

# Medicare Secondary Payer Mandatory Reporting Requirements Update



June 8, 2010 | HUB at the Cira Centre, 30th Street Train Station, Philadelphia

**CONFERENCE CHAIRS:**

Marc Gaffrey, Esq., Hoagland, Longo, Moran, Dunst & Doukas LLP, New Brunswick, NJ

Christopher Placitella, Esq., Cohen, Placitella & Roth, P.C., Red Bank, NJ

<p>9:00 Continental Breakfast and Registration</p> <p>9:30 Overview of the Law</p> <ul style="list-style-type: none"> <li>• The Medicare Medicaid and SCHIP Extension Act (MMSEA)- why it came to be and is it achieving its goals</li> <li>• Key milestones, implementation timeline, &amp; who will be directly affected</li> <li>• Review &amp; explanation of Section 111 of MMSEA (P.L. 110-173)                             <ul style="list-style-type: none"> <li>o Claims covered</li> <li>o Covered entities</li> <li>o Who is to make MSP reimbursements?</li> </ul> </li> </ul> <p>Marc Gaffrey, Esq., Hoagland Longo Moran Dunst &amp; Doukas LLP, New Brunswick, NJ Christopher Placitella, Esq., Cohen Placitella &amp; Roth, Red Bank, NJ</p> <p>10:00 Reporting Requirements</p> <ul style="list-style-type: none"> <li>• Who must report, when and how?</li> <li>o MMSEA reporting guidelines-data needed &amp; how to acquire it, eligibility, claims submissions, timing and penalties</li> <li>o Reporting is triggered when Plaintiff's claim is settled and not date of payment</li> <li>o Defendant reports settlement amounts</li> <li>• What Third Party Claims are subject to Medicare Reimbursement?</li> <li>o What injures and what expenses</li> <li>o Continuing injuries (i.e. asbestosis progression to mesothelioma, other forms of cancer)</li> <li>o Pre v Post 1980 Conundrum</li> <li>o What proof is satisfactory to Medicare?</li> <li>o What proof is satisfactory to the Defense?</li> </ul> <p>James Tanella, Managing Director, PACE, a Unit of Navigant Consulting, Inc., Lawrenceville, NJ Sylvius von Saucken, Garretson Firm Resolution Group, Inc., Cincinnati, OH</p> <p>11:00 Morning Break</p> <p>11:15 The Role of Workers Compensation</p> <ul style="list-style-type: none"> <li>• Is workers compensation an anchor or a life line?</li> <li>• How must a third party case coordinate with workers compensation case to protect client?</li> <li>• Overview of the various ethical dilemmas one will face in settlement negotiations</li> <li>• What is the third party lawyers ethical responsibilities concerning workers compensation and Medicare?</li> <li>o Protecting the client's long term medical care</li> <li>o Is the dependency claim responsible for paying back Medicare?</li> <li>o Negotiating the workers compensation lien</li> </ul> <p>Michele Haas, Esq., Hoagland Longo Moran Dunst &amp; Doukas LLP, New Brunswick, NJ Lynne Kizis, Esq., Wilentz, Goldman &amp; Spitzer, Woodbridge, NJ</p> <p>12:00 Best Practices for Defendants</p> <ul style="list-style-type: none"> <li>• What can the defendant require?</li> <li>o Carrier forms that have been distributed to counsel</li> <li>• How does defense counsel best protect his or herself and the client?</li> <li>o When does the burden pass to Plaintiff's counsel?</li> </ul> <p>Terence Camp, Esq., Budd Lerner, Short Hills, NJ</p> <p>12:45 Networking Luncheon</p>	<p>1:45 Best Practices for Plaintiffs</p> <ul style="list-style-type: none"> <li>• What should you change about your intake procedures?</li> <li>o Will a Medicare lien influence whether a complaint is filed?</li> <li>• Should you change your case management tools?</li> <li>• What forms should you be using?</li> <li>• How your staff should be trained</li> </ul> <p>Leslie MacLean, Esq., Waters &amp; Kraus, LLP, Dallas</p> <p>2:30 Negotiating with Medicare</p> <ul style="list-style-type: none"> <li>• Is there a basis for negotiation?</li> <li>• Does Albon apply to Medicare liens?</li> <li>• Most effective negotiation strategies</li> <li>• Should you use a third party to help negotiate your liens?</li> </ul> <p>Louis Porrazzo, Esq., Crowe Paradis Services Corporation, North Reading, MA Kenneth Paradis, Esq., Crowe Paradis Services Corporation, North Reading, MA</p> <p>3:15 Afternoon Break</p> <p>3:30 Settlement of the Case</p> <ul style="list-style-type: none"> <li>• What should be in the release?</li> <li>o Amount due to Medicare lien on behalf of Plaintiff</li> <li>• How do you prevent the Medicare issue from stopping piecemeal settlements?</li> <li>• Do I need a Qualified Settlement Fund (QSF) if I am negotiating Groups of cases?</li> <li>• Can you include indemnification provisions in the release?</li> <li>• Indemnification language in the release</li> <li>• Should you be asking the court for allocation of damages and beneficiaries in a wrongful death case?</li> <li>• Do you need a Medicare set aside?</li> </ul> <p>Franklin Solomon, Esq., Weitz &amp; Luxenberg, P.C., New York</p> <p>4:00 Bankruptcy Recoveries</p> <ul style="list-style-type: none"> <li>• Are there reporting requirements by the trusts?</li> <li>• Are there reporting requirements by plaintiffs counsel?</li> <li>o The long tail of the bankruptcies and Medicare that extend beyond the life of the case</li> <li>• Best practices for handling claims and compliance strategies, including how to improve government response timelines</li> <li>• The roles and benefits of using a third party administrator (TPA)-do the requirements of the MMSEA apply?</li> <li>• Understanding the system-set-aside arrangements, indemnification provisions and third party checks</li> </ul> <p>John Baden, Esq., Motley Rice LLC, Mt. Pleasant, SC</p> <p>4:45 What About Medicaid and Other Liens?</p> <ul style="list-style-type: none"> <li>• Are there reporting requirements?</li> <li>• How is it different from Medicare?</li> <li>• What does the US Supreme Court say about paying back the lien?</li> <li>• What proof is required to compromise a Medicaid lien?</li> <li>• How can I settle a case when there is ongoing treatment and the lien continues to grow?</li> </ul> <p>Bonnie Bridgers Smith, Esq., Forman Perry Watkins Krutz &amp; Tardy LLP, Jackson, MS Thomas Begley, Esq., Begley, Begley &amp; Bookbinder, P.C., Moorestown, NJ</p> <p>5:30 Adjourn</p>
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