



Medicare Advantage Services

# Don't go it alone— We're here to help manage Medicare risk



## Insurance Automation *From Policy through Claim*

- AI, machine learning, and predictive analytics increases speed and precision
- 19 petabytes of data across proprietary databases yields greater accuracy
- Ecosystem of integrated solutions improves customer experience – yours and theirs
- 5,000+ industry experts provides lift across the value chain
- 50+ years safeguarding insurers' data earns confidence

### Take advantage of the best MSP compliance team

We are dedicated to providing the best services to help you with your Medicare compliance needs. As the country's largest medical and legal team dedicated to Medicare Secondary Payer (MSP) compliance, we stand ready to answer questions about complicated and changing regulations. Our process ensures a professional attorney and nurse review every claim and we customize our services to fit your unique needs to improve your business performance.

### We have the answer to your Medicare Advantage questions

Medicare Advantage Plan (MAP) recovery claims have emerged as a hot-button issue on the Medicare compliance front. Insurers in workers' compensation, liability, and no-fault have seen an increasing number of MAP recovery notices. The rise in MAP recovery claims is due, in large part, to a 2012 United States Third Circuit Court of Appeals decision holding that MAP Plans have private cause-of-action rights to sue insurers for "double damages" under the MSP. As MAPs more aggressively pursue recovery claims, several important questions arise regarding the nature and extent of MAP recovery rights and steps insurers can take to avoid potential "double damages" exposure.

### Critical rulings for insurers

Since 2012, MAPs have become more aggressive in asserting recovery rights and have been trying to extend a favorable Third Circuit ruling to other jurisdictions. In the case *In Re: Avandia*, the United States Third Circuit of Appeals (which covers Pennsylvania, New Jersey, Delaware, and the U.S. Virgin Islands) ruled that MAP providers have private cause of action rights to sue insurers for reimbursement, including the right to pursue double damages. The United States Eleventh Circuit of Appeals (which covers Alabama, Florida, and Georgia), in *Humana v. Western Heritage*, agreed with the *Avandia* decision and actually levied double damages against an insurer in that case. Most recently, the United States Second Circuit Court of Appeals (which covers Connecticut, New York, and Vermont) in *Aetna Life Insurance Company v. Big Y Food* affirmed a lower court ruling awarding a MAP "double damages" under the private cause of action statute.

In addition, United States District Courts for California, Connecticut, Illinois, Louisiana, Massachusetts, Ohio, South Carolina, Tennessee, Texas, and Virginia have found that MAPs can sue claims payers for “double damages” under the MSP.

### **We've got you covered when it comes to Medicare Advantage demands**

When it comes to MAP recovery claims, a one-size-fits-all compliance model, which many vendors are pushing, simply doesn't work and could actually increase exposure. We understand the intricacies of MAP recovery issues and has comprehensive strategies for responding to MAP recovery claims.

- consultation to help you determine what to do when a MAP sends you a recovery letter
- investigations to determine what your potential MAP exposure might be
- negotiation/disputes to reduce MAP recovery claims
- creating specific and targeted MAP protocols to meet your compliance objectives
- incorporating the PAID Act as part of best practices, either on an ad-hoc basis or as an optional add-on feature to CP Link® to automate the process for holistic compliance

### **Using the PAID Act to build a holistic MAP compliance program**

In December 2020, the Provide Accurate Information Directly Act (PAID Act) became law. The PAID Act requires that CMS, as part of its Section 111 Query Process, identify whether a claimant is currently entitled to, or during the preceding 3-year period has been entitled to, Medicare Part C (Medicare Advantage) and/or Medicare Part D (prescription drug) benefits. If so, CMS is required to provide the names and addresses of any such Medicare plans through the Section 111 Query Process. CMS has until December 2021 to implement the PAID Act's provisions.

Proactive handling of Medicare recovery claims can help insurers get ahead of the curve by removing unrelated charges as early as possible, avoiding potential Treasury claims, and other potential consequences. Our CP Link® program achieves this by leveraging Section 111 query data to programmatically identify and address conditional payments. As part of the upcoming PAID Act changes, a special CP Link add-on option is available which will use MAP coverage information to help address MAP recovery claims.

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We have saved clients

**over \$1.5  
Million**

**on recent Medicare  
Advantage Plan disputes\***

\*Figures based on disputes occurring in 2021.

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## **Get your complimentary consultation**

**To learn more about Medicare Advantage services, please contact:**

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