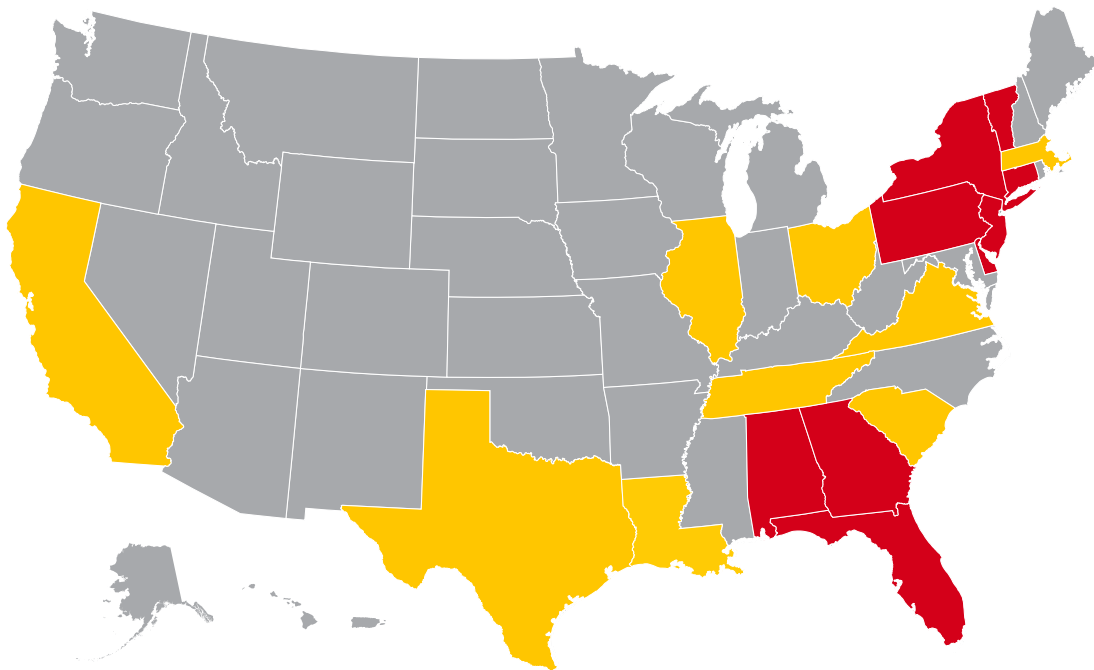


State-by-State Guide to Medicare Advantage in the Courts

In some jurisdictions, the U.S. Circuit Court of Appeals and Federal District Courts have ruled that Medicare Advantage Plans (MAPs) enjoy private cause of action rights, meaning they can pursue insurers (and possibly others) for “double damages.” As the MAP issue continues to evolve, stay tuned for future updates to our state-by-state guide.



In the **red states**, based on rulings from the U.S. Circuit Courts of Appeals. MAPs have strong recovery rights: they can sue for double damages if their claims are not properly addressed. Any insurer that receives a MAP demand or recovery letter from a plan in these states should proactively address the plan's claim before settlement.

In the **yellow states**, certain federal district courts have ruled or indicated that MAPs can sue insurers for “double damages.” Accordingly, if you receive a MAP demand or recovery letter in one of these states, Insurers should consider addressing the matter.

In the **gray states**, courts have not yet addressed whether MAPs have private cause of action rights under the Medicare Secondary Payer (MSP) Statute; nonetheless, MAPs may have recovery rights under the MAP statutes and regulations.

For more information please contact:

CPinfo@verisk.com | +1-866-630-2772 | verisk.com/lien-services

