



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

### Take advantage of the best MSP compliance team

ISO Claims Partners is dedicated to providing the best services to help you with your Medicare compliance needs. ISO Claims Partners employs the country's largest medical and legal team dedicated to Medicare Secondary Payer (MSP) compliance, and we're always ready to answer questions about changing regulations. We ensure that a professional attorney and nurse review every claim. And we customize services to fit your unique needs to help you make better decisions.

### Let ISO Claims Partners answer your Medicare Advantage questions

Medicare Advantage (MA) lien claims are quickly emerging as a hot-button issue on the Medicare compliance front. Insurers in workers' compensation, liability, and no-fault have seen an increasing number of recovery notices from MA Plans. The rise in MA recovery claims is due, in large part, to a recent federal Third Circuit decision holding that MA Plans have private cause-of-action rights to pursue lien claims, including the right to seek "double damages"

against claims payers. As MA Plans more aggressively pursue recovery claims, several important questions arise:

- Do MA Plans have reimbursement rights?
- Can MA Plans sue for double damages?
- How can claims payers challenge MA lien claims?
- How should claims adjusters handle MA lien claims?
- What types of best practice protocols should insurers develop?

ISO Claims Partners has the experience and expertise to guide you through this fast-developing area to help you better address MA lien claims.

### Real result

ISO Claims Partners will guide you through the complicated maze of Medicare compliance to ensure you're following regulations and driving settlements quickly and cost-effectively.

## Critical rulings for insurers

Since 2012, MA Plans have become more aggressive in asserting lien rights and have been trying to extend a favorable Third Circuit ruling to other jurisdictions. In the case *In Re: Avandia*, the Third Circuit (which covers Pennsylvania, New Jersey, Delaware, and the U.S. Virgin Islands) ruled that MA providers have private cause-of-action rights to sue claims payers for reimbursement, including the right to pursue “double damages”. Most recently, the Eleventh Circuit (which covers Alabama, Georgia, and Florida), in *Western Heritage*, agreed with the *Avandia* decision and actually levied double damages against an insurer in that case. Further, certain federal district courts in Connecticut, Illinois, Louisiana, Massachusetts, South Carolina, Tennessee, Texas, and Virginia have also held that MA Plans enjoy private cause-of-action rights to pursue lien claims.

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

When it comes to MA lien claims, a one-size-fits-all compliance model, which many vendors are pushing, simply doesn't work and could actually increase exposure. ISO Claims Partners understands the intricacies of MA lien issues and has comprehensive strategies for responding to MA lien claims. We offer the following services to help you navigate MA lien issues:

- consultation to help you determine what to do when an MA Plan sends you a recovery letter
- investigations to determine what your potential MA exposure might be
- negotiation/disputes to reduce MA lien claims, particularly in Third and Eleventh Circuit states protocol design to devise claims strategies to fit your needs

## To learn more about our Medicare Advantage services, please contact:

 ISO Claims Partners

 1-866-630-2772

 CPinfo@verisk.com



## ISO Claims Partners is uniquely positioned to help you achieve compliance and cost savings with our legal, medical, and technology expertise.

### INSIGHTS

- Data from more than 1 billion industrywide claims
- The largest number of successful Medicare submissions in the industry
- Market-leading predictive analytics tools supporting enhanced triaging and resolution
- Industry-leading OCR and text-mining capabilities

### ADVOCACY

- The industry's largest and most experienced team of legal and medical MSP compliance experts
- Customized, flexible solutions based on your risk management strategy
- On-site file consultation and pickup

### RESULTS

- Improved claims outcomes and loss ratios
- Expedited settlements
- Mitigated risk and settlement consistency