

July 1, 2010

CMS Alert on Revised Rated Age Language Required in WCMSA Proposals

Centers for Medicare & Medicaid Services (CMS) recently issued a new alert clarifying their May 14, 2010, procedure memorandum regarding Rated Age (RA) language to be included in Workers' Compensation Medicare Set-Aside Arrangement (WCMSA) proposals. This alert provides that effective immediately the required RA certification language provided in the May 14, 2010, memorandum is revised as follows:

Our organization certifies that all rated ages we have obtained and/or have knowledge of regarding this claimant, and generated at any time on or after the Date of Incident for the alleged accident/illness/injury/incident at issue, have been included as part of this submission of a proposed amount for a Workers' Compensation Medicare Set-Aside Arrangement (WCMSA) to the Centers for Medicare & Medicaid Services.

Please be advised that if a submitter is including RA information in its WCMSA proposal, the revised certification language must be included as written above, with no exceptions. If this specific language is not included as part of the WCMSA proposal, CMS will not accept or consider the RA provided. Instead, CMS will estimate the claimant's life expectancy using Actual Age when determining claimant's future medical and prescription costs. Please also note that CMS has advised that for the convenience of those already in the process of submitting a proposal, CMS will continue to accept the RA certification language required by the May 14, 2010, memorandum for proposals received up until June 30, 2010.

In accordance with this alert, the Medicare Compliance Group will utilize the required RA certification language in its WCMSA submissions on behalf of our clients.

Should you have any questions regarding this new development, or for any Medicare compliance needs, please contact the Medicare Compliance Group at the numbers listed below.

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