

## **ALERT**

### **Guidance for Multi/Multiple Employer Plans that Mistakenly Paid Secondary Without Having Obtained A Required Small Employer Exception (SEE)**

A multi/multiple employer plan may have paid secondary to Medicare for items and services provided to certain Medicare beneficiaries for whom it failed to obtain a required SEE.

Likewise, a multi/multiple employer plan's insurer may believe that it paid secondary in the mistaken belief that the required SEE had been granted.

The Centers for Medicare & Medicaid Services (CMS) handles this, and other situations, where an insurer, group health plan or other entity wishes to acknowledge that a group health plan may not have conformed to all of the MSP requirements on a case-by-case basis. The entity writes to CMS' Division of Medicare Benefit Coordination at the address provided below. The entity's letter explains the situation in detail and the circumstances that gave rise to the situation; identifies the affected beneficiaries and associated time periods; and requests guidance on how to resolve the perceived problems. The CMS reviews the situation and provides the requested guidance.

The letter should be sent to:

Director  
Division of Medicare Benefit Coordination  
Office of Financial Management  
Centers for Medicare & Medicaid Services  
MS: C3-14-00  
7500 Security Boulevard  
Baltimore, Maryland 21244-1850