

## Attorney Services What's New Archive 2015

### **April 23, 2015 – Establishing Appeal Rights for Applicable Plans, Including Liability Insurance (Including Self-Insurance), No-Fault Insurance, and Workers' Compensation Laws or Plans**

On February 27, 2015, the Centers for Medicare & Medicaid Services (CMS) issued a final rule implementing certain provisions of the Strengthening Medicare and Repaying Taxpayers Act of 2012 (the SMART ACT). This final rule establishes a formal appeals process for applicable plans (liability insurance (including self-insurance), no-fault insurance, and workers' compensation laws or plans) in situations where the Secretary seeks Medicare Secondary Payer (MSP) recovery directly from an applicable plan. The rule is effective April 28, 2015 and applies to demand letters issued on or after April 28, 2015.

Beneficiaries will be notified in writing if an item or service they received is the subject of an appeal by an insurer or workers' compensation entity. **Important:** This notice will be informational only and does not require any action on the part of the beneficiary who receives the notice.

A new document titled *Appeals Process for Insurers and Workers' Compensation Entities and Required Notice to Medicare Beneficiaries*, which includes a sample of this letter, has been loaded to the downloads section at the bottom of this page.