

## **Cost Plan Policy Issue**

### **03-005**

#### **Question**

A cost plan receives a provider submitted claim with a Medicare EOMB. After reviewing the claim and the EOMB, the cost plan determines that the plan, not Medicare, is the correct primary payer. Should the plan recover the Medicare overpayment?

#### **Answer**

No, the plan should not recover the Medicare overpayment because it is unclear that an overpayment has been created in this situation.

If FFS has paid, and the claim is now being submitted to the HMO/CMP for reimbursement of unpaid coinsurance/deductibles, then the HMO/CMP should make payment for coinsurance/deductibles up to the amounts under the Medicare contract with the enrollee.

If both FFS and the HMO/CMP have made primary payment for the same item or service, the HMO/CMP should recover its duplicate payment from the provider.

If the provider is contracting with the HMO/CMP and inadvertently or unintentionally bills FFS for the item or service, then education to the provider is appropriate.

#### **Answer**