

### **Legislative Alert: Medicare Set-Asides**

In May 2009, a bill entitled Medicare Secondary Payer and Workers' Compensation Settlement Agreements Act of 2009 was introduced in the U.S. House Representatives to reform secondary payer rules to workers' compensation settlement agreements and Medicare set-asides under those agreements. The bill addresses the difficulties associated with preapproval by Medicare for certain workers' compensation settlements.

The bill would allow for settlement of certain workers' compensation claims without Medicare approval, including the following types of claims:

- 1) A claim agreement that has a present value of \$25,000 or less.
- 2) Settlement for claimant who is not currently eligible for Medicare benefits and is unlikely to become eligible within 30 months after the effective date of the agreement
- 3) An agreement that does not include any future payment of medical expenses incurred after the effective date of the agreement
- 4) An agreement that does not limit or extinguish the right of the claimant involved to payment of medical expenses incurred after the effective date of the agreement

On May 21, 2009 the House bill was referred to the committee on Ways and Means and the Committee on Energy and Commerce for consideration. The full bill and its status can be accessed at <http://www.thomas.gov/cgi-bin/thomas>.