

# MONTANA MEDICAID PROVIDERS & THIRD PARTY LIABILITY- TPL

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# TODAY'S TRAINING TOPICS

- TPL Statutes and Rules
- Managing TPL
- Payor of Last Resort
- Liable Third Party Sources
- Provider TPL Discoveries
- Pay and Chase
- Primary Insurance for Dual Eligible Members
- Provider Subrogation



# TPL STATUTES & RULES

- Federal
  - Social Security Act 1902
  - 42 CFR 433 Subpart D
- Montana Code Annotated
  - MCA 53-2-612- Lien of Department Upon Third-Party Recoveries
- Administrative Rules of Montana
  - 37.85.407- Third Party Liability
  - 37.85.406- Billing, Reimbursement, Claims Processing and Payment



# MANAGING TPL

- Identification of third parties
- Cost avoidance
- Coordination Of Benefits-COB
- Pay & Chase
- Creation of Casualty/Torts, Liens, and Estate Recovery claims on behalf of the Medicaid program



# PAYOR OF LAST RESORT EXCEPTIONS

- Crime Victims Compensation Fund
- Parts B and C of the Individuals with Disabilities Education Act (IDEA)
- Ryan White Program
- Indian Health Services
- Women, Infants, and Children Program
- Veteran's benefits, for emergency treatment provided to certain veterans in a non-VA facility
- Veteran's benefits for state nursing home per diem payments
- State health agencies
- State vocational rehabilitation agencies
- Grantees under Title V of the Social Security Act (Maternal and Child Health Service Block Grant).



# LIABLE THIRD PARTY SOURCES

- Health Insurance; including Medicare and Tricare
  - Self-insured plans
  - Group health plans
- Vision
- Dental
- Service benefit plans
- Managed care organizations
- Pharmacy Benefit Managers
- Liability insurance
  - Automobile Policies
  - Homeowner's Policies
  - Worker's Compensation



# PROVIDER TPL DISCOVERIES- ACTIVE

Resources for discovering a liable third party to bill

1. MATH Web Portal
  1. Known TPL carrier policies are available when verifying Medicaid coverage
2. The Patient
  1. Ask them: do you have other insurance coverage?
  2. Was this related to an accident?
    1. Auto? Workers Compensation?
    2. Do you have the insurance policy or claim information?



# PROVIDER TPL DISCOVERIES- CLOSED

Resources for discovering a liable third party to bill

1. MATH Web Portal
  1. Known TPL carrier policies are available when verifying Medicaid coverage
2. The Patient
  1. Ask them: do you have other insurance coverage?

If you learn that a Medicaid known carrier policy is closed; fax 406-442-0357 ask that the policy be verified and updated based on the new information; changes can take 3-5 business days to process.



# PAY & CHASE

Pay and chase is an option for providers to bill Medicaid under certain conditions when there is a TPL policy on file. Those circumstances include:

- Medical Support Enforcement
- Prenatal and preventative pediatric services (including EPSDT)
- Labor & delivery and postpartum care
- Montana Medicaid offers a pay and chase opportunity for other circumstances if a provider can successfully show that a claim was submitted to the liable third party, more than 90 days prior with no response from the TPL. If payment is received from the liable third party at a later date, the provider must refund Medicaid the lesser of the two payments.



# DUAL ELIGIBLE MEMBERS

To ensure that Medicaid does not pay more than it needs to, and to help recover funds that have already been paid out, the claims processing systems are coded to reject claims with known TPL policies.

1. What if the provider is not under contract with Medicare or the primary carrier?



# PROVIDER SUBROGATION

For any service where an identified third party has only a potential liability as a tortfeasor:

1. the provider may file a medical lien against that third party
2. The provider may bill the department prior to determination of liability of the third party
  1. if the provider notifies the TPL unit of the identity of the third party and its name and address if known
3. The provider may keep its lien in place and receive payment from the third party
  1. If payment is received from the third party, the provider must refund to the department within 60 days of receipt of the third party payment, the lesser of the amount the department paid or the amount of the third party payment.



# Questions & Answers



# **FISCAL AGENT- TPL CONTACTS**

## **Conduent- Montana Medicaid Fiscal Agent**

**Provider Hotline Number: 1-800-624-3958**

**TPL Fax Line: 406-442-0357**

**TPL Group Email: [MTTPL@CONDUENT.COM](mailto:MTTPL@CONDUENT.COM)**



# MT DPHHS- TPL CONTACTS

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**THANK YOU FOR  
SERVING MONTANA  
MEDICAID  
MEMBERS & FOR  
ATTENDING  
TODAY'S TRAINING!**

Have a great rest of your day!

