

Reglan/metoclopramide Settlement Program Lien Resolution Questions and Answers

What Is a Healthcare Lien?

If a government healthcare payer (such as Medicare, Medicaid, or the Department of Veterans Affairs or other governmental entity) or a private insurer pays for medical treatments received by you as the result of an injury or illness resulting from Reglan/metoclopramide (“Reglan/MCP”) medication, the insurer may claim a lien on your settlement proceeds and demand reimbursement. If you are awarded settlement proceeds because of the injury or illness, your insurer may be entitled to recoup some or all of the healthcare payments from those proceeds. You may not be able to receive your settlement proceeds (or some part of them) until the insurer’s interests are resolved.

What Lien Obligations Will the Lien Resolution Administrator Handle?

Garretson Resolution Group has been appointed to serve as the Lien Resolution Administrator for the Reglan Settlement Program. The Lien Resolution Administrator is responsible for resolving all claims/liens asserted by Medicare Parts A & B and Medicaid. The Lien Resolution Administrator can assist you with the resolution of any additional lien obligations upon your attorney’s request.

How are Medicare Part A and/or B Reimbursement Obligations Being Addressed?

Medicare will notify the Lien Resolution Administrator if you received Medicare Part A and/or Part B benefits. The Lien Resolution Administrator will then facilitate a global resolution strategy to satisfy and resolve Medicare’s Part A and/or Part B recovery claims for all Medicare-enrolled participating claimants.

What Does “Global Resolution” Mean?

The term “global resolution” refers to an agreement with the Centers for Medicare and Medicaid Services to resolve Medicare Part A and/or Part B reimbursement claims on an aggregate basis (as opposed to a claim-by-claim approach) based on values derived from compensable injury categories. Global reimbursement values are based on the routine costs associated with the medically-accepted standard of care for the treatment and management of each specified injury category, taking into account the timing in which a claimant became entitled to Medicare vis-à-vis the date of his or her injury and the applicable standard of care. By participating in the global resolution program, claimants forego the ability to pursue administrative remedies such as compromises, waivers, and/or appeals of Medicare’s reimbursement claim that would otherwise be available through the traditional (claim-by-claim) resolution approach.

How are Medicaid Liens Resolved?

The Lien Resolution Administrator presents the state Medicaid agencies with a standard protocol agreement. The protocol proposes that Medicaid's recovery claim be "capped" at a certain percentage of a claimant's gross settlement proceeds. Note that for Medicaid, most liens will be resolved for amounts significantly less than the cap. The Lien Resolution Administrator audits each individual claim to ensure that the agencies are compensated only for Reglan/MCP injury-related medical care.

What Do I Need To Do?

At this time, there is nothing you need to do other than inform your attorney if you have received notification of a claimed interest or "lien" by Medicare or Medicaid. Your attorney will need copies of any documents you have received from either agency. You do not need to contact your healthcare payer directly.

Be aware that, depending on the circumstances (employment, income, health status, military service, etc.), you may be covered by a combination of healthcare plans, both governmental and private. The earlier in the lien resolution process you provide information about your healthcare plans, the faster the Lien Resolution Administrator can initiate and finalize a resolution.

Do I Have To Resolve My Healthcare Lien?

Yes. Federal law and the terms of the Reglan/MCP Settlement require all claimants who receive settlement proceeds to identify and resolve any reimbursement obligations owed to Medicare and/or Medicaid. Failure to do so may result in some or all of your settlement proceeds being withheld from you. You may also be required to pay penalties or even forfeit future healthcare benefits if a payer asserts a lien and you do nothing about it.

The good news is that the Lien Resolution Administrator will handle the Medicaid and Medicare Part A and B resolution process for you. The Lien Resolution Administrator will work with your attorney to secure the necessary information. Using that information, the Lien Resolution Administrator will determine what, if any, reimbursement obligations you have. The Lien Resolution Administrator will report those obligations to your attorney and then work to minimize them so you can keep as much of your settlement proceeds as possible. If you have no reimbursement obligations, the Lien Resolution Administrator will tell your attorney so you can receive your settlement proceeds.

Please note that depending on the state you live in and the type of plan you have, there may be additional state, federal, or contractual requirements for you to identify and resolve other healthcare liens. If you have received a lien notice or know of any additional lien obligations, please advise your attorney. The Lien Resolution Administrator will assist with resolving those obligations by request only.