

Medicare Set-Asides



Locklin Group LLC provides Medicare Set-Aside (MSA) analysis and submission services to attorneys, insurance companies, third party administrators, and self-insurers nationwide.

An MSA allocates a portion of the claim settlement for future claim-related medical expenses that are covered by and would otherwise be paid by Medicare. Federal law requires the parties to settlement of personal injury claims to protect Medicare's interests, and the MSA is an accepted method of meeting that obligation.

It is not necessary to submit a proposed MSA to The Centers for Medicare and Medicaid Services (CMS) for approval before including an MSA in the settlement. However, many settlement parties prefer to obtain that approval. CMS limits its review of proposed MSAs to workers' compensation cases in which the claimant is eligible for Medicare benefits at the time of settlement and the total settlement amount exceeds \$25,000.

CMS will also review a proposed MSA in cases in which the total settlement exceeds \$250,000 and the claimant is reasonably likely to become eligible for Medicare within 30 months of the settlement. A claimant is reasonably likely to become eligible for Medicare within 30 months if older than 62 1/2 years of age or if the claimant has applied for SSDI benefits.