

(Darryl Brown): Even though the state does not define a first in some cases First Aid claims as injury?

Barbara Wright: Is not how the state defines it. It's under the federal rules and regulations. And under the statute for MSP if there's an individual entity that's engaged in a business trade or profession, and they bear any part of the risk, they are self-insured to the extent they bear that risk.

So if it doesn't technically fall under the state's Worker's Compensation definition the way you've described it, it appears to fall under liability self-insurance which does not require a plan saying I am self-insured. It is just the definition that I gave you.

(Darryl Brown): Thank you.

Coordinator: The next question is from (Bill Tominga). Please state your organization Your line is open.

(Bill Tominga): Hi. I'm with Global Aerospace in Short Hills, New Jersey. And we're curious about the applicability of Medicare set asides to liability claims?

Barbara Wright: If you've read transcripts from prior calls that is not a Section 111 issue. And we are limiting these calls to Section 111 issues. There is not - the same formal process for liability set asides that there is for Worker's Compensation set asides. However the underlying statutory obligation is the same.

For liability set asides if you - for Worker's Comp the process is technically not required to have a CMS blessed set aside.

For liability situations as I said, the underlying obligation is the same if you wish to pursue CMS approval of a liability set aside, your avenue approach is through the applicable regional office.

Whether or not they agree to review it does not provide - if they decline to review it that doesn't provide any type of safe harbor. And the regions are making their determinations based on their workload.

If their workload permits and they believe there are significant dollars at issue, regional offices are reviewing proposed set aside amounts but certainly not typically at the same small level that it's being reviewed through our Worker's Compensation review contractor or Worker's Comp set asides.

(Bill Tominga): Not sure, so is that a yes or a no? I'm not sure?

Barbara Wright: Well I don't know what you mean by yes or no. There is not the same formal process. You have the same legal obligations. This has nothing to do with Section 111.

111 did not change any pre-existing obligations. It that added a separate reporting requirement.

(Bill Tominga): Okay. Thank you.

Coordinator: (Marcia Nigra), your line is open. Please state your organization.

(Marcia Nigra): Hello. My name is (Marcia Nigra) and I'm with Sedgwick CMS. And I do have a quick question. And forgive me if it was answered in one of your prior calls. I didn't see it in the manual.