

# Billing for Services when Medicare is Secondary

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**March 01, 2021**

Don't deny treatment, entry to a SNF or hospital, or services based on an open or closed Liability (L), No-Fault (NF) or Workers' Compensation (WC) Medicare Secondary Payer (MSP) record on the beneficiary's Medicare file or if a claim was inappropriately denied. You must continue to see or provide services to the beneficiary.

If services relate to an open MSP accident or injury incident, first bill the other insurer as primary. There are situations where claim services aren't related to the open accident or injury record on the beneficiary MSP L, NF, or WC record. For example, the diagnosis codes on the current claim are the same, or within the same family, as the diagnosis codes on the accident or injury record, but the service is not related.

Medicare may inappropriately deny your claim because the diagnosis codes on the claim and the MSP record are the same, or within the same family. You should appeal the inappropriately denied claim with your MAC. You must provide an explanation or a reason code to justify the services aren't related to the accident or injury on record.

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## Cont'd

Recently, there have been situations where Medicare have inappropriately denied L, NF, or WC MSP claims when you provided services that are not related to the accident or injury identified on the beneficiary's Medicare record.

If you believe Medicare inappropriately denied a claim, do the following:

- ⇒ Check your claim to make sure you submitted a correctly completed claim to the proper payer(s)
- ⇒ Contact your MAC.
- ⇒ File an appeal if necessary. (An appeal and a phone call to the MAC is the most efficient method for resolving an inappropriately denied claim.)
- ⇒ Give information to your MAC that shows the inappropriate denial.
- ⇒ Tell your MAC that the service performed isn't related to the accident or injury on record, the reason why it's unrelated to the accident or injury, and request that Medicare adjust and pay the claim if it's a Medicare covered and payable service.
- ⇒ Don't instruct Medicare beneficiaries to contact the Benefits Coordination and Recovery Center (BCRC) to delete the open MSP record. In many situations, the open record may be an active record that shouldn't be deleted.
- ⇒ Don't bill the Medicare beneficiary for the inappropriately denied claims or refer the claims to a collection agency. Resolve the claims issue with your MAC.