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MEMORANDUM

**DATE:** June 8, 2010

**FROM:** Director  
Financial Services Group  
Office of Financial Management

**SUBJECT:** Medicare Secondary Payer--Workers' Compensation--INFORMATION

**TO:** Consortium Administrator for Financial Management and Fee-for-Service Operations

This memorandum clarifies the guidance provided in the Centers for Medicare & Medicaid Services (CMS) May 14, 2010 procedure memorandum regarding the Rated Age (RA) language to be included on WCMSA proposals.

Effective immediately the Rated Age (RA) certification required by the May 14<sup>th</sup> memorandum is revised to:

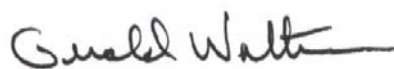
“Our organization certifies that all rated ages we have obtained and/or have knowledge of regarding this claimant, and generated at any time on or after the Date of Incident for the alleged accident/illness/injury/incident at issue, have been included as part of this submission of a proposed amount for a Workers' Compensation Medicare Set-Aside Arrangement (WCMSA) to the Centers for Medicare & Medicaid Services.”

The CMS will not accept any variation or substitute wording. If a submitter is including RA information in its WCMSA proposal, the revised certification language must be included as written, with no exceptions. If this specific language is not included as part of the WCMSA proposal, CMS will not accept the RA provided. Instead, CMS will estimate the claimant's remaining life expectancy using Actual Age. For the convenience of those already in the process of submitting a proposal, CMS will continue to accept the certification language required by the May 14, 2010 memorandum for proposals received up through and inclusive of June 30, 2010.

**Note:**

All other requirements of acceptable proof of a Rated Age for a claimant are unchanged. Acceptable proof of Rated Age is demonstrated through inclusion of independent rated ages on the letterhead of an insurance carrier or settlement broker.

Please direct questions or concerns to Frank Johnson of my staff at (410) 786-2892.

  
Gerald Walters