



Legal Bulletin

January 11, 2011

Opportunity for Public Comment Regarding Maryland's Emergency Regulations

In January 2010, the Maryland Workers' Compensation Commission (MD WCC) enacted emergency regulations pertaining to settlement approval of workers' compensation cases. These regulations are now in the process of being formalized. As was widely reported in the industry, the requirements are as follows:

- If your settlement falls within the Medicare review thresholds, you must obtain approval of a Medicare Set-Aside Allocation (MSA) from The Centers for Medicare and Medicaid Services (CMS) before the Commission will approve your settlement. The Commission will allow a bifurcated settlement in which you settle out the indemnity portion of the claim while awaiting Medicare approval.
- If your settlement falls outside the Medicare review thresholds, the settlement must contain a statement that Medicare's interests have been considered and you must identify either the amount of the proposed settlement apportioned to future medical expenses or the amount of the proposed settlement that is set-aside for future medical expenses through a formal MSA.

Public comments regarding these regulations have been invited and will be accepted until February 2, 2011. Comments can be submitted by mail, phone, fax, or e-mail to the following:

Amy S. Lackington, Administrator
Workers' Compensation Commission
10 East Baltimore Street
Baltimore, MD 21202
(410) -864-5300
Fax: 410-864-5301
alckington@wcc.state.md.us

For further information, please visit the Maryland Workers' Compensation website at <http://www.wcc.state.md.us>. If you would like to discuss this issue in more detail, please contact PMSI's Executive Counsel, Rochelle Lefler at rochelle.lefler@pmsionline.com or 813-318-6751.

Pharmacy | Medical Services and Equipment | Settlement Solutions

PMSI—Proven Solutions for Cost Containment Founded in 1976, PMSI is a leader in developing solutions to control the growth of medical costs in workers' compensation. As one of the nation's largest and most experienced companies focused solely on workers' compensation, we deliver proven solutions for cost containment across the claims lifecycle. PMSI's solutions for Pharmacy, Medical Services and Equipment, and Settlement Solutions deliver quantifiable results and improve the quality of care for injured workers. We provide our customers with the innovation, focus, expertise, analytics and technology needed to successfully deliver workers' compensation benefits.