

FOR THE DEFENSE:

TEN PRACTICE POINTERS ABOUT MEDICARE SET-ASIDES for MEDIATION

NAMSAP 2019 ANNUAL EDUCATIONAL CONFERENCE

1. Confer with your client and/or payer
2. Consult with an MSA subject matter expert
3. Raise the issue in advance with your opponents
4. Have Plaintiff produce Section 111 reporting data
5. Have Plaintiff produce any CMS communications
6. Have Plaintiff produce any MAO/MAP documents
7. Have Plaintiff produce any proposed MSA
8. Have a Plan... and a Plan B
9. Raise the issue early at mediation
10. Clear, unambiguous, written meeting of the minds

Mr. Finley is a Partner with [Hinshaw & Culbertson LLP](#), a U.S.-based law firm founded in 1934 with offices in 11 states and London. The firm offers sophisticated legal services and its national reputation spans many key industries that include health care, insurance, and litigation. Mr. Finley has nearly 20 years of litigation and trial practice experience focused in tort, employment and healthcare, and he counsels firm clients under auto, property/casualty, no-fault, and workers compensation policies on Medicare repayment and Medicaid reimbursement compliance. Robert also serves as Chief Legal Consultant with [Flagship Services Group](#) on high value matters, in administrative hearings, and with educational solutions. Flagship specializes in Medicare and Medicaid compliance needs in the property and casualty industry for self-insureds, insurance companies, and third-party administrators including mandatory reporting, conditional payment resolution, and set aside allocations.

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