September 23, 2014

The Honorable Bill Nelson
716 Hart Senate Office Building
United States Senate
Washington, DC 20510

The Honorable Rob Portman
448 Russell Senate Office Building
United States Senate
Washington, DC 20510

Dear Senator Nelson and Senator Portman:

On behalf of the American Bar Association and its nearly 400,000 members, I write to commend you for your introduction of S. 2731 to reform the administration of the Medicare Secondary Payer provisions of federal law in cases involving Workers’ Compensation settlements. The ABA strongly supports your effort to establish a predictable and efficient set-aside approval process that also provides reasonable protection for injured workers and Medicare. Thanks in large part to your leadership; it appears that this legislation has bipartisan, bicameral support.

In February 2005, the ABA adopted a resolution urging Congress to enact legislation incorporating certain principles that include establishing clear criteria for when a set-aside may be reviewed by the Center for Medicaid and Medicare Services, establishing an appeal procedure if the parties dispute the CMS ruling regarding the allocation of settlement proceeds, and providing an optional, direct payment of set-aside amounts to Medicare. We are gratified to see these principles incorporated into key components of the legislation.

The ABA thanks you and your staff for working with the various stakeholders to develop a legislative solution for resolving Medicare set-aside disputes in a timely, efficient, and economic manner. We stand ready to assist you in moving this legislation forward.

Sincerely,

Thomas M. Susman