

# Medicare Secondary Payer: A Review of the End-Stage Renal Disease with an Employer Group Health Plan Provision

7/30/2025 Part 2

**Closed Captioning:** Auto-generated closed captioning is enabled in this course and is at best 70-90% accurate. Words prone to error include specialized terminology, proper names and acronyms.



## Disclaimer

National Government Services, Inc. has produced this material as an informational reference for providers furnishing services in our contract jurisdiction. National Government Services employees, agents, and staff make no representation, warranty, or guarantee that this compilation of Medicare information is error-free and will bear no responsibility or liability for the results or consequences of the use of this material. Although every reasonable effort has been made to assure the accuracy of the information within these pages at the time of publication, the Medicare Program is constantly changing, and it is the responsibility of each provider to remain abreast of the Medicare Program requirements. Any regulations, policies and/or guidelines cited in this publication are subject to change without further notice. Current Medicare regulations can be found on the [CMS website](#).



# Recording

Attendees/providers are never permitted to record (tape record or any other method) our educational events. This applies to webinars, teleconferences, live events and any other type of National Government Services educational events. **This includes the use of AI-assistant recording tools.**

# Objective

Familiarize providers with ESRD with an EGHP MSP provision so you can identify and bill proper primary payer for your patients eligible for Medicare based on ESRD and another reason such as age or a disability



# Today's Presenters

- Provider Outreach and Education Consultants
  - Andrea Freibauer
  - Christine Janiszczak
  - Kathy Mersch





# Agenda

- [Part 1 Recap](#)
- [Dually Eligible For or Entitled to Medicare](#)
- [Scenarios and Polling Questions](#)
- [References and Resources](#)
- [Questions](#)

# Part 1 Re-cap

# Topics

- MSP and MSP responsibilities
  - What is MSP?
    - MSP provisions and criteria
    - MSP VCs and payer codes
  - Your MSP responsibilities
    - Conduct MSP screening process
      - Check CWF for MSP information
      - Ask MSP questions
      - MSP questionnaire
    - Determine primary payer
    - Submit claim to primary payer before Medicare
- MSP ESRD provision criteria
  - Eligible for Medicare based on ESRD
    - When Medicare begins
    - When Medicare ends
    - Re-entitlement
  - EGHP coverage
  - ESRD MSP 30-month coordination period
    - How to calculate
- Submit claims to Medicare

# ESRD MSP Provision

- Medicare secondary to EGHP up to 30 months for individuals eligible for/entitled to Medicare based on ESRD
  - If Medicare not already primary based on entitlement due to age or disability when he/she became eligible for/entitled based on ESRD
    - Coordination period begins when individual eligible for Part A
- Applies to all Medicare covered items and services (not just ESRD treatment) to individuals in coordination period
  - CMS IOM Publication 100-05, *Medicare Secondary Payer Manual*, [Chapter 1, Section 20.2](#) and [Chapter 2, Section 20](#)



# ESRD – Criteria

EGHP primary to Medicare if all criteria met

1. Individual eligible for, or entitled to, Medicare based on ESRD
2. Individual has EGHP through current/former employment of his/her own or through spouse or family member
3. Individual in 30-month MSP/ESRD coordination period



# Dually-Eligible For or Entitled to Medicare

# Dual-Eligibility/Entitlement to Medicare

- Beneficiaries eligible for or entitled to Medicare for more than one reason
  - Eligible for or entitled based on ESRD, then develops another reason
    - Age 65
    - Disability (other than ESRD)
  - Entitled based on age 65 or disability, then develops ESRD





# How to Determine if EGHP Is Primary

- Apply OBRA 1993 regulations to determine if EGHP is primary to Medicare when
  - Dual-eligibility/entitlement occurs and
  - Beneficiary has EGHP



# General Rule of Thumb

- If Medicare primary before beneficiary dually-eligible/entitled to Medicare
  - Medicare remains primary (EGHP secondary) after beneficiary becomes dually-eligible/entitled
- If EGHP primary before beneficiary dually-eligible/entitled to Medicare
  - EGHP remains primary (Medicare secondary) after beneficiary becomes dually-eligible/entitled
    - For 30-month coordination period



## ESRD First, Then Age 65

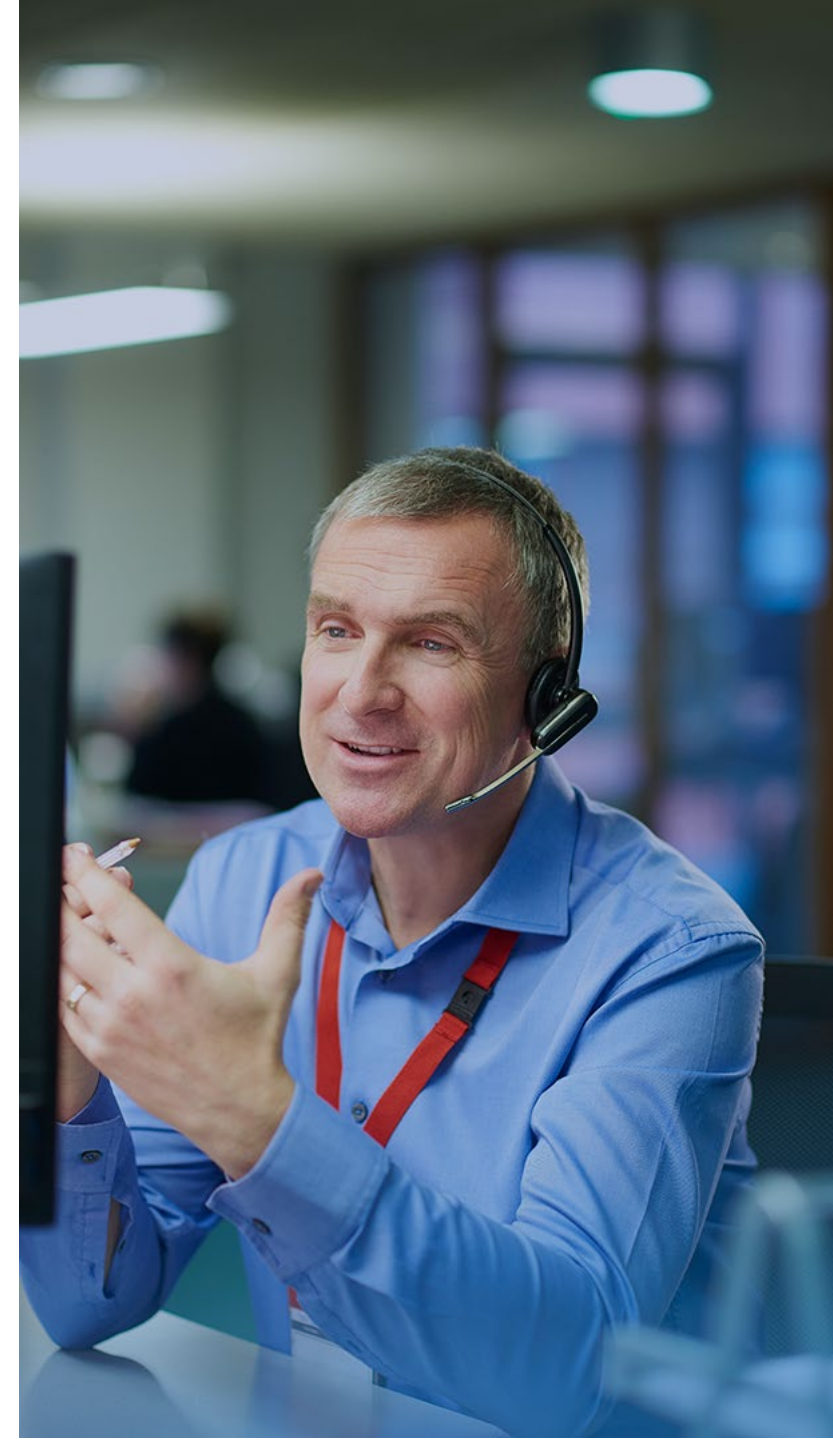
- Beneficiary already eligible for or entitled to Medicare based on ESRD, then develops another reason for Medicare eligibility (age 65)
  - If he/she has EGHP and in 30-month coordination period, EGHP remains primary
    - Continue coordination period until end of 30<sup>th</sup> month
    - MSP VC 13

# Example – ESRD First, Then Age 65

- Beneficiary, age 63, eligible for or entitled to Medicare based on ESRD and has EGHP
  - EGHP primary to Medicare for 30-month coordination period
- Beneficiary turns age 65 during coordination period and becomes dually-eligible/entitled to Medicare
  - EGHP remains primary
  - Continue coordination period until end of 30<sup>th</sup> month
  - MSP VC 13

# ESRD First, Then Disability

- Beneficiary already eligible for or entitled to Medicare based on ESRD, then develops another reason for Medicare eligibility (disability)
  - If he/she has EGHP and in 30-month coordination period, EGHP remains primary
    - Continue coordination period until end of 30<sup>th</sup> month
    - MSP VC 13





# Example – ESRD First, Then Disability

- Beneficiary, age 56, eligible for or entitled to Medicare based on ESRD and has EGHP
  - EGHP primary to Medicare for 30-month coordination period
- Beneficiary becomes eligible for Medicare based on a disability (other than ESRD) during coordination period and becomes dually-eligible/entitled to Medicare
  - EGHP remains primary
  - Continue coordination period until end of 30<sup>th</sup> month
  - MSP VC 13

# Age 65 First, Then ESRD

- Beneficiary, entitled to Medicare based on age, then develops ESRD
  - If he/she has EGHP primary to Medicare under MSP Working Aged provision
    - EGHP remains primary but **now under MSP ESRD provision**
    - Change to dual-eligibility based on ESRD makes MSP ESRD provision begin to apply
    - Determine coordination period
      - Must first determine ESRD-based Medicare effective date
      - Coordination period begins with ESRD-based Medicare effective date
    - MSP VC 12 but **now MSP VC 13** with beginning date of coordination period

# Example – Age 65 First, Then ESRD

- Beneficiary has Medicare based on age, still working, has EGHP through single employer with 20 or more employees
  - EGHP primary to Medicare under MSP Working Aged provision
- Beneficiary develops ESRD, begins maintenance dialysis and becomes dually-eligible/entitled to Medicare
  - EGHP remains primary but coordination period applies
    - Apply three-month waiting period (MSP VC 12 during this time)
    - MSP VC 13 with beginning date of coordination period

# Disability First, Then ESRD

- Beneficiary, entitled to Medicare based on disability, then develops ESRD
  - If he/she has LGHP primary to Medicare under MSP Disabled provision
    - LGHP remains primary but **now under ESRD MSP provision**
    - Change to dual-eligibility based on ESRD makes MSP ESRD provision begin to apply
    - Determine coordination period
      - Must first determine ESRD-based Medicare effective date
      - Coordination period begins with ESRD-based Medicare effective date
    - MSP VC 43 but **now changes to MSP VC 13** with beginning date of coordination period



# Example – Disability First, Then ESRD

- Beneficiary has Medicare based on a disability, still working and has LGHP through single employer with 100 or more employees
  - LGHP primary to Medicare under MSP Disabled provision
- Beneficiary develops ESRD, begins maintenance dialysis, becomes dually-eligible/entitled to Medicare
  - LGHP remains primary but coordination period applies
    - Apply three-month waiting period (MSP VC 43 during this time)
    - MSP VC 13 with beginning date of coordination period



# Age 65 or Disability First (No EGHP), Then ESRD

- Beneficiary has Medicare based on age 65 or a disability but has no EGHP
  - If he/she develops ESRD
    - Medicare remains primary because no EGHP exists
      - Remains true even if obtains GHP afterwards
    - Do not apply coordination period

# Age 65 or Disability First (EGHP Legitimately Secondary to Medicare), Then ESRD

- If beneficiary has Medicare based on age 65 or a disability, has EGHP through current/former employer but Medicare primary because MSP Working Aged or Disabled provision criteria not met
  - If he/she develops ESRD
    - Medicare remains primary because GHP legitimately secondary to Medicare before beneficiary developed ESRD
    - Do not apply coordination period

# Example 1 – Age 65 First (EGHP Legitimately Secondary to Medicare), Then ESRD

- Beneficiary, with Medicare based on age, retires at age 67 and has EGHP through former employer
  - Medicare primary to EGHP
- At age 68, he/she develops ESRD, begins maintenance dialysis and becomes dually-eligible/entitled to Medicare
  - Medicare remains primary to EGHP



## Example 2 – Disability First, EGHP Legitimately Secondary to Medicare, Then ESRD)

- Beneficiary, age 43, has Medicare based on a disability, still working and has GHP through single employer with less than 100 employees
  - Medicare primary to EGHP
- At age 44, he/she develops ESRD, admitted to hospital for kidney transplant and becomes dually-eligible/entitled to Medicare
  - Medicare remains primary to EGHP

# ESRD-Based Entitlement Can End for Dually-Entitled Beneficiaries

- Once 30-month coordination period ends, Medicare becomes primary
  - Remains primary for as long as dual-eligibility/entitlement to Medicare continues
- If beneficiary loses ESRD-based Medicare entitlement
  - Determine if MSP applies based on remaining Medicare entitlement reason
    - Age = MSP Working Aged provision may apply
    - Disability = MSP Disabled provision may apply



# Medicare Primary – ESRD MSP Provision Does Not Apply

- Following individuals not subject to ESRD MSP provision; Medicare primary
  - ESRD beneficiaries with no EGHP
  - ESRD beneficiaries with direct-payment health plan (other than COBRA)
  - Beneficiaries who completed 30-month ESRD MSP coordination period
  - **Dually-eligible/entitled beneficiaries who had Medicare as primary payer before second reason for Medicare eligibility/entitlement**

# Scenarios and Polling Questions

# Scenario and Polling Question #1

- Scenario – Beneficiary
  - Age 64
  - Eligible for/entitled to Medicare based on ESRD
  - Has EGHP through current/former employer
  - During 30-month coordination period, turns age 65 and becomes entitled to Medicare based on age
- Which plan is primary?
  - Medicare
  - EGHP through end of coordination period



# Scenario and Polling Question #2

- Scenario – Beneficiary
  - Age 60
  - Entitled to Medicare based on a disability
  - Works for single employer with 100 or more employees and has LGHP
  - At age 62, develops ESRD and begins maintenance dialysis
- Which plan is primary?
  - Medicare
  - LGHP through end of coordination period

# Scenario and Polling Question #3

- Scenario – Beneficiary
  - Age 68
  - Entitled to Medicare based on age
  - Spouse works for single employer with 20 or more employees and has EGHP
  - At age 68, develops ESRD, begins self-dialysis training program and self-dialysis
- Which plan is primary?
  - Medicare
  - EGHP through end of coordination period

# Scenario and Polling Question #4

- Scenario – Beneficiary
  - Age 66
  - Entitled to Medicare based on age
  - Retired from former employer and has EGHP
  - At age 67, develops ESRD and begins maintenance dialysis
- Which plan is primary?
  - Medicare
  - EGHP through end of coordination period

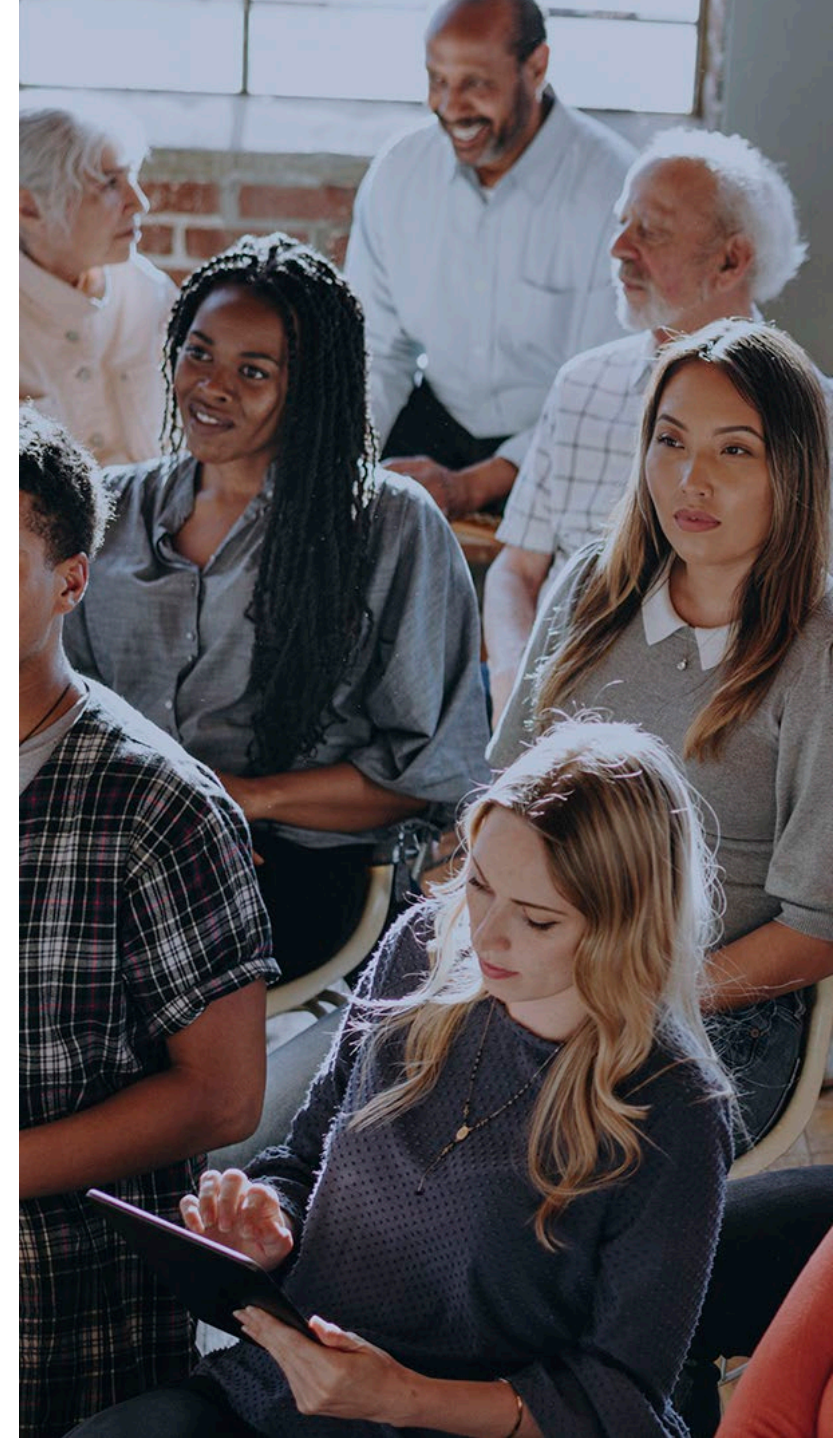
# Scenario and Polling Question #5

- Scenario – Beneficiary
  - Age 50
  - Eligible for/entitled to Medicare based on ESRD
  - Has EGHP through current/former employer
  - During coordination period, becomes entitled to Medicare based on another disability
- Which plan is primary?
  - Medicare
  - EGHP through end of coordination period



# What You Should Do Now

- Be familiar with MSP resources
- Develop and implement policies that ensure your facility meets its MSP responsibilities
- Ensure your admissions/registration department works closely with your billing department
- Share this presentation with coworkers
- Continue to attend our MSP webinars



# References and Resources

# National Government Services

- [Acronym Search](#)
- [Contact Us](#)
- [Events](#)
- [FAQs](#)
- [\*FISS DDE Provider Online Guide\*](#)
- [NGSConnex](#)

# National Government Services MSP Articles

- [What is Medicare Secondary Payer?](#)
- [Identify the Proper Order of Payers for a Beneficiary's Services](#)
- [Set Up a Beneficiary's Medicare Secondary Payer Record](#)
- [Correct a Beneficiary's MSP Record](#)
- [Prevent an MSP Rejection on a Medicare Primary Claim](#)
- [Collect and Report Retirement Dates on Medicare Claims](#)
- [Prepare and Submit a Medicare Secondary Payer Claim](#)
- [Prepare and Submit an MSP Conditional Claim](#)
- [Correct or Adjust a Claim Due to an MSP-Related Issue](#)
- [Determine if Medicare will Make an MSP Payment](#)
- [Determine Beneficiary Responsibility on an MSP Claim](#)

# CMS' MSP References and Resources

- [BCRC Contact](#)
- [CBT Course: MSP Overview](#)
- [CBT Course: MSP ESRD](#)
  - MSP guidelines for persons entitled to Medicare due to ESRD
  - Multiple examples of ESRD MSP situations
  - MSP for individuals with dual entitlement to Medicare
- [HIPAA Eligibility Transaction System \(HETS\)](#)
- [How Medicare Works With Other Insurance](#) (for beneficiaries)
- MLN® Booklet: [Medicare Secondary Payer](#)
- MLN® Fact Sheet: [Medicare Secondary Payer: Don't Deny Services & Bill Correctly](#)



# CMS' MSP References and Resources (continued)

- [Internet-Only Manual \(IOM\) Publications](#)
  - [100-05, Medicare Secondary Payer Manual, Chapter 1](#), Sections
    - 10, Definitions of various terms including employee, employer, GHP
    - 20.2, End-Stage Renal Disease (ESRD)
  - [100-05, Medicare Secondary Payer Manual, Chapter 2](#), Sections
    - 20, MSP Provisions for End-Stage Renal Disease (ESRD) Beneficiaries
    - 20.1, Determining 30 Month Coordination Period During Which Medicare May Be Secondary
      - 20.1.1, Duration of Coordination Period
      - 20.1.2, Determination for Subsequent Periods of ESRD Eligibility
      - 20.1.3, Dual Eligibility/Entitlement Situations
      - 20.1.4, Summary Chart for ESRD-MSP Rules and Dually Eligible Medicare Beneficiaries
    - 20.2, Effect of ESRD MSP on Consolidated Omnibus Budget Reconciliation Act (COBRA)
  - [100-05, Medicare Secondary Payer Manual, Chapter 3](#), Section
    - 20, Obtain Information From Patient or Representative at Admission or Start of Care
      - 20.1, General Policy
      - 20.2.1, Model Admission Questions to Ask Medicare Beneficiaries

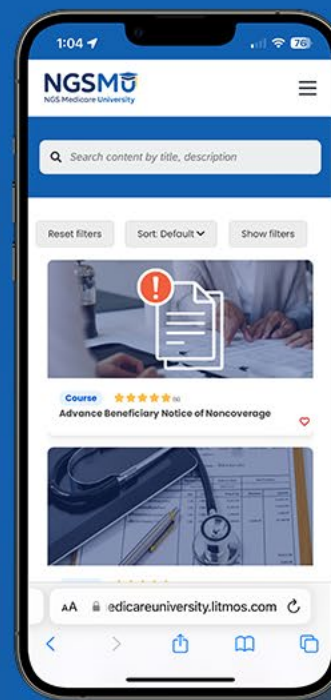
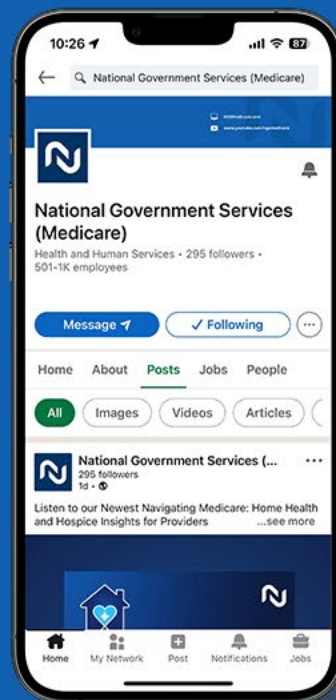
# CMS' Coordination of Benefits & Recovery

- Overview
  - What's New
  - Medicare Secondary Payer
  - End-Stage Renal Disease (ESRD)
  - Coordination of Benefits
  - Group Health Plan Recovery
  - Non-Group Health Plan Recovery
  - Contacts
- Attorney Services
  - Reporting a Case
- Beneficiary services
  - Reporting Other Health Insurance
- Employer Services
- Insurer Services
- Provider Services
  - Your Billing Responsibilities



# Questions?

Thank you!



Connect with  
us on social  
media



[YouTube Channel](#)  
Educational Videos

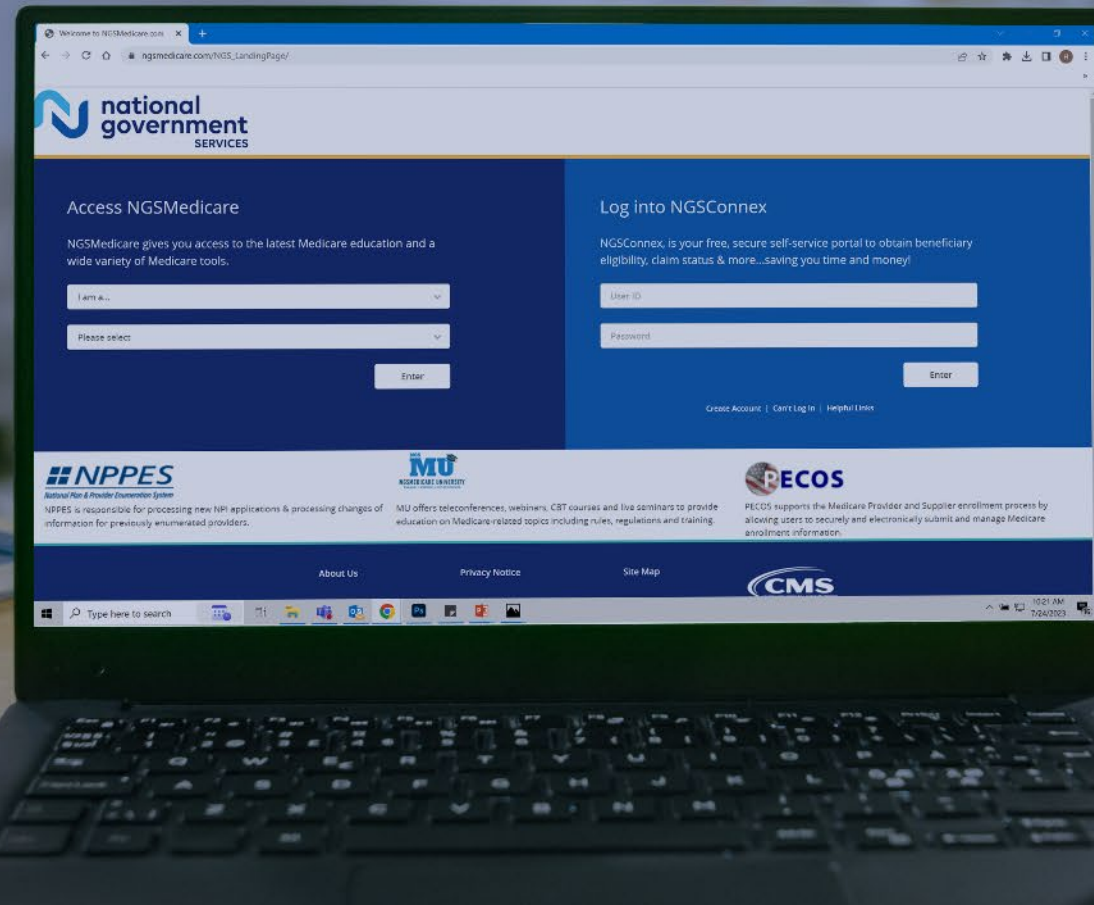


[Medicare University](#)  
Self-paced online learning



[LinkedIn](#)  
Educational Content

# Find us online



[www.NGSMedicare.com](http://www.NGSMedicare.com)

Online resources, event calendar, LCD/NCD, and tools



[IVR System](#)

The interactive voice response system (IVR) is available 24-hours a day, seven days a week to answer general inquiries



[NGSConnex](#)

Web portal for claim information



[Sign up for Email Updates](#)

Subscribe for Email updates at the top of any NGSMedicare.com webpage to stay informed of news