

Senate Resolution 1058

By: Senators Anderson of the 43rd, Davenport of the 44th, Jones II of the 22nd, Harbison of the 15th, Lucas of the 26th and others

A RESOLUTION

1 Urging the United States Congress to halt the transfer of current and former military
2 personnel's health care costs from the federal government to the states; and for other
3 purposes.

4 WHEREAS, it is estimated that nearly 1 in 10 veterans, or 1.75 million, have Medicaid
5 coverage in addition to their TRICARE benefits, whereby for individuals who have both
6 TRICARE and Medicaid, TRICARE must pay primary; and

7 WHEREAS, identifying individuals with TRICARE and Medicaid has historically been a
8 challenging process, as evidenced by the Department of Health and Human Services
9 Inspector General Report, "Medicaid Third Party Liability (TPL) Savings Have Increased,
10 But Challenges Remain"; and

11 WHEREAS, in early 2017, TRICARE ceased its support for a data-match process in which
12 states provided Medicaid eligibility information to TRICARE and CHAMPUS to identify
13 those members who have both TRICARE and Medicaid; and

14 WHEREAS, upon receipt of the Medicaid eligibility data, TRICARE matched individuals'
15 eligibility files and provided information back to the states about those individuals who had
16 both TRICARE and Medicaid. This cross-match process was governed by an agreement
17 between CMS and TRICARE, but the agreement has expired and the parties were unable to
18 reestablish terms coordinating benefits between the two programs; and

19 WHEREAS, this breakdown of cooperation has prevented the recovery of more than \$18
20 million annually in payments where Medicaid erroneously paid when TRICARE should have
21 made the primary payments — shifting additional costs from the federal government to the
22 states; and

23 WHEREAS, complicating this data match stoppage is TRICARE's timely filing limitation
24 which precludes Medicaid from billing a claim that should have been TRICARE's
25 responsibility if the service was rendered more than one year prior, resulting in an additional
26 \$70 million annually being shifted to the states. This one-year timely filing limit sits in stark
27 contrast to the three years Medicaid enjoys to bill TPL claims to other liable parties, such as
28 commercial insurers; and

29 WHEREAS, at the same time, TRICARE refuses to share data with and process claims from
30 Medicaid managed care organizations who provide care to more than 70 percent of all
31 Medicaid members nationally. Based upon conservative calculations, this leads to Medicaid
32 bearing the burden of more than \$60 million annually in claims that should have been the
33 responsibility of TRICARE, not Medicaid's managed care organizations, resulting in even
34 greater cost shifting to the states and leading to improper Medicaid capitation payments; and

35 WHEREAS, 4.6 percent of TRICARE beneficiaries are located in Georgia, or approximately
36 432,055 uniformed service members and their families, and it is estimated that Georgia could
37 be responsible for roughly \$3.22 million if this issue is not resolved.

38 NOW, THEREFORE, BE IT RESOLVED BY THE GENERAL ASSEMBLY OF
39 GEORGIA that the members of this body urge the United States Congress to propose a
40 resolution between CMS and TRICARE to immediately restore data sharing and to waive
41 the one-year timely filing restriction for all claims caught in this stoppage.

42 BE IT FURTHER RESOLVED that the Secretary of the Senate is authorized and directed
43 to make appropriate copies of this resolution available for distribution to the President and
44 Vice President of the United States, the Speaker of the United States House of
45 Representatives, the Minority Leader of the United States House of Representatives, the
46 Majority Leader of the United States Senate, the Minority Leader of the United States Senate,
47 and to each Senator and Representative from Georgia in the Congress of the United States.