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

ADOPTED SENATE

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 GEORGIA SENATE that the members

39   of this body urge the United States Congress to propose a resolution between CMS and

40   TRICARE to immediately restore data sharing and to waive the one-year timely filing

41   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.