



DEPARTMENT OF HEALTH & HUMAN SERVICES

Centers for Medicare & Medicaid Services
Center for Beneficiary Choices
Medicare Advantage Group

7500 Security Boulevard
Baltimore, Maryland 21244

Date: May 29, 2007

To: Medicare Advantage (MA) Medical Savings Account (MSA) Plans

From: David A. Lewis
Director, Medicare Advantage Group

Re: Notice of MA MSA Bank Account Access

Some MA MSA plans have been asking if they may directly access enrollees' accounts to pursue recovery of the deposit amounts attributable to the remainder of the year after an enrollee disenrolls or dies. Note that plans are not allowed to access enrollee accounts. The account is the enrollee's bank account, like any other account he or she may have. If the enrollee dies, the assets would be distributed through the estate, and the estate could be sued for the enrollee's debts, which would be governed by State law and applicable Federal banking laws.

If you should have any questions regarding this notice you can contact Doreen Gagliano at Doreen.Gagliano@cms.hhs.gov or (410) 786-5237.