

FEDERAL MEDICAL CARE RECOVERY ACT (FMCRA)

Presented by

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TRADITIONAL REVENUE AVENUES

- Medicare
- Medicaid
- Private insurance
- Workman's compensation
- Nonbeneficiary in an emergent care situation
- Nonbeneficiary in a nonemergent care situation
- FMCRA



PURPOSE OF CIRCULAR

Establishes specific reporting requirements and defines authorities for the recovery of funds in all third-party tortfeasor claims.

INDIAN HEALTH SERVICE (IHS) POLICY

IHS will comply with all regulations for reporting FMCRA claims so funds owed to IHS for the care and treatment can be recovered either directly or via contract health services. IHS will make sure all potential third-party claims are properly identified and reported to Office of General Counsel (OGC) (or designee).



BACKGROUND

- 1962: FMCRA statute was passed; however, collected funds went straight to U.S. Treasury.
- 1988: IHS was allowed to retain funds via an amendment to the Indian Health Care Amendments of 1987, Title II.



A FMCRA claim exists when:

- IHS pays for or furnishes care to the injured person
- Patient's injuries are due to another person deemed to be at fault



2. Department of Health and Human Services

For the Department of Health and Human Services, Indian Health Service, effective October 1, 2001 and thereafter:

Hospital Care Inpatient Day:

General Medical Care

Alaska

\$2,025

Rest of the United States

\$1,571

Outpatient Medical Treatment:

Outpatient Visit.

Alaska

\$ 363

Rest of the United States

\$ 196

Beginning October 1, 2001, the rates prescribed herein superceded those established by the Director of the Office of Management and Budget October 31, 2000 (FR Doc. 00-27726).

Director, Office of Management and Budget

CERTIFIED TO BE A TRUE COPY OF THE ORIGINAL DOCUMENT

CERTIFYING OFFICER

Who has the authority to make legal determination of liability?

OGC determines and asserts

This is why IHS shall report all potential third-party liability claims to the OGC or it's designee



FOUR ENTITIES INVOLVED

- Health Information Management
- Contract Health
- Business Office
- Facility FMCRA Coordinator



AREA FMCRA COORDINATOR

- Area Office Process



Service Unit Clinical Provider

- Responsible for recording the diagnosis, type of injury, date, or place of occurrence on the Patient Care Component (PCC) and documenting all related clinical information at the time of service.
- Properly documenting all subsequent visits related to the injury, accident, poisoning, etc.



TYPES OF CLAIMS TO REPORT

- Motor vehicle accidents
- Falls
- Product liability
- Animal bites
- Electrical shocks
- Alleged medical malpractice in nonfederal facilities
- Food poisoning
- Railroad accidents
- Exposure to noxious fumes
- Faulty or defective equipment



SCREENING AND REVIEWING PATIENT REGISTRATION

BUSINESS OFFICE MANAGER
or designee

“THIRD-PARTY REPORT”



22-Apr-02 08:45 AM

[Add Case](#)[Reports](#)[Log Off](#)**FMCRA Third Party Information Request Form**

Click on the HR Number of the case you wish to update or click 'Add Case' in the upper right-hand corner to add a new case. Click on the links in the "Last Update" column to view detailed update information about that health record.

Pending MR

Pending CHS

Pending BO

Pending OGC

The injured party name turns **RED** if the claim has been pending in that office for more than 10 days.

Listing of Active Cases:

HR Number	Injured Name	Inj. Date	IHS Facility	Create Date	Last Update
061	Hastings, William Wallace	03/06/2001	W. W. Hastings Indian Hospital	2002-04-04 15:11:14 by cdespain	2002-04-19 15:48:48 by cdespain
852	Brown, Mary	08/02/2001	Claremore Indian Hospital	2002-03-04 13:34:30 by cdespain	2002-04-04 13:34:30 by cdespain
795	Doe, John	03/01/2002	Pawnee Indian Health Center	2002-03-29 16:19:23 by mrogers	2002-03-29 16:19:23 by mrogers
234556	Atric, Jerry	03/05/2002	Claremore Indian Hospital	2002-04-04 12:49:26 by cdespain	2002-04-22 08:42:05 by cdespain

Cases are pending if the claim letter was sent out, but the case is still unresolved.
The injured party name turns **RED** if the claim has been pending for more than 30 days.

Listing of Pended Cases:

HR Number	Injured Name	Inj. Date	IHS Facility	Create Date	Last Update
2354	Hitme, Wally Marty	07/08/1999	Claremore Indian Hospital	2002-04-04 10:25:54 by cdespain	2002-04-11 08:57:13 by cdespain

Notice of Payment from the OGC



Rollice, Sue (OKC)

From: sue.bear@mail.ihs.gov
Sent: Tuesday, November 15, 2005 1:40 PM
To: Oldham, Debbie S (OKCLAW); Dunn, Teresa K. (OKCLAW)
Cc: Rollice, Sue (OKC)
Subject: FMCRA Case Settled

FMCRA Case 630 will be closed within 24 hours.

Injured name: _____

Injury date: 02/23/2005

Amount Recovered: \$0.00

FMCRA PAYMENTS FROM THIRD-PARTY PAYER

Service Units



QUESTIONS

Sue.rollice@hhs.gov

