

Why You Need a Law Firm on your MSA Vendor Panel

Imagine you manage a baseball team. It's the bottom of the eighth inning. You're leading 3-2, but your star right-handed pitcher has loaded the bases. Coming to the plate is the league leader in home runs and he's a left-handed batter. You look to the bullpen for a left-handed relief pitcher who stands a much better chance against him. But all you have are right handed pitchers. They all have the same skill set and do not provide the right skill set to face off against this special batter. While you can get a fresh arm, you do not get the statistical advantage of the righty/lefty switch.

I'm willing to bet your MSA vendor panel suffers from the same condition. For the majority of employers/insurance carriers out there with a MSA vendor panel, the panel is composed entirely of MSA vendors who look at MSA issues through a similar prism. They review medical records to figure out future Medicare covered future medicals, provide a report to you with that figure (regardless of how it may relate to the actual settlement of the claim) and then tells you the only safe avenue is to seek CMS review/approval of the MSA. If all members of the MSA panel give you the same advice, what's the benefit of having a panel with multiple members? Every primary payer in the country should diversify its MSA vendor panel to include at least one law firm.

Why a law firm, you might ask? Well, law firms can provide legal opinions and advice about MSA issues. MSA vendors cannot do that or else they then are guilty of the unauthorized practice of law. Law firms can provide a client with the protection of attorney/client privilege; a MSA vendor cannot. Law firms can provide a client with the protection of work product privilege; a MSA vendor cannot. Law firms issuing MSA legal opinions stand behind their conclusions 100%, and do not change its opinion in light of a CMS counter-higher letter. MSA vendors, when facing a CMS counter-higher letter, will tell you the only option is to wait and try again after at least a year passes.

Law firms issuing MSA legal opinions are the left-handed pitcher from the bullpen. The right choice for the right situation. Your team, however, cannot select that lefty if the only bullpen options are all vendors who see and review MSAs similarly. You need a law firm on the panel simply to have the OPTION to choose the legal approach instead of the medical approach when the time is right.

Cattie, PLLC is a law firm whose lawyers have experience providing clients with MSA legal opinions. By using the current law and CMS regulations as part of its analysis, a legal opinion from Cattie allows the client to close a file with confidence that it will never have to pay another dime for future medicals. For more information, please see www.cattielaw.com or call John at (844) 546-3500. Even if you don't call John, make sure your next RFP for MSA services results in at least one law firm joining the panel so you don't limit your options from the start.