

# Medicare's Aggressive Conditional Payment Recovery Stance

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- How far out can Medicare claim a right to recovery for a conditional payment?
- Answer: Arguably, there is a **3 year** statute of limitations that would preclude Medicare from recovering on any conditional payment that was made from the date of the item or service provided. (perhaps only pertains to Group Health Insurance and not Non-group Health such as WC or liability plans)
- Or it could be **6 years** under 28 U.S.C. § 2415(a) (action for money damages brought by US), which would accrue from the later of 1) the date of payment or 2) the date Medicare learns that there was a primary payer which should have made the payment



# Medicare Section 11user Guide

**Yicheng Fang**



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