



INDIANA HEALTH COVERAGE PROGRAMS

PROVIDER REFERENCE MODULE

Third-Party Liability

Coordination of Medicaid Benefits With Other Insurance, Including Medicare

Note: For updates to the information in this module, see the following Indiana Health Coverage Programs (IHCP) bulletins, accessible from the [IHCP Bulletins](https://in.gov/medicaid/providers) webpage at in.gov/medicaid/providers:

- [BT2025143](#) – IHCP announces a change to Customer Assistance call center hours
- [BT2025125](#) – Electronic claim submission process updated for dually eligible members with no or exhausted [Medicare] Part A benefits

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Third-Party Liability Program

*Note: The information in this module applies to Indiana Health Coverage Programs (IHCP) services provided under the **fee-for-service (FFS)** delivery system.*

*For information about services provided through the **managed care** delivery system – including Healthy Indiana Plan (HIP), Hoosier Care Connect, Hoosier Healthwise services or Indiana PathWays for Aging (PathWays) – providers must contact the member’s managed care entity (MCE) or refer to the MCE provider manual. MCE contact information is included in the [IHCP Quick Reference Guide](#), available at in.gov/medicaid/providers.*

For updates to information in this module, see [IHCP Bulletins](#), available at in.gov/medicaid/providers.

Introduction

Private insurance coverage does not preclude an individual from receiving Indiana Health Coverage Programs (IHCP) benefits. Many IHCP members have other insurance in addition to the IHCP benefits. Insurance may be a commercial group plan through the member’s employer, an individually purchased plan, Medicare, or insurance available because of an accident or injury. The IHCP supplements other available coverage and is primarily responsible for paying only the medical expenses that other insurance does not cover.

IHCP Third-Party Liability Program

The IHCP Third-Party Liability (TPL) program ensures compliance with federal and state TPL regulations. The program has two primary responsibilities:

- Identify IHCP members who have third-party resources available.
- Help ensure those third-party resources pay prior to the IHCP.

The IHCP has full authority to fulfill these responsibilities. Individuals applying for or receiving Medicaid are considered to have automatically assigned their individual rights and/or the rights of any other person who is dependent upon the individual and eligible for Medicaid, to the state of Indiana for the following:

- Medical support
- Other third-party payments for medical care for the duration of enrollment in the Medicaid program by the individual or the individual’s dependent

Each member must cooperate with the IHCP to obtain payment from those resources, including authorization of providers and insurers to release necessary information to pursue third-party payment. Medicare benefits are not assigned to the IHCP.

The TPL program fulfills its responsibilities based on whether the other resource falls under the general category of health insurance (such as commercial policies, Medicare and others) or under the general category of liability insurance (such as auto and homeowner).

Payer of Last Resort

To ensure that state Medicaid programs, such as the IHCP, do not pay expenses covered by other sources, federal regulation (*Code of Federal Regulations 42 CFR 433.139*) establishes Medicaid as the payer of last resort.

In Indiana, only four resources are **not** billed prior to IHCP:

- Victim Assistance
- First Steps
- Children's Special Health Care Services (CSHCS)
- Community and Home Options to Institutional Care for the Elderly and Disabled (CHOICE)

Because these four programs are fully funded by the state of Indiana, the IHCP, which is jointly funded by state and federal government, has primary claim-payment responsibility. If IHCP members have **any other** resource available to help pay for the cost of their medical care, that resource must be used prior to the IHCP.

Cost Avoidance

When a provider determines that a member has an available TPL resource, the provider is required to bill that resource prior to billing the IHCP. Providers access information about IHCP members' other insurance resources through the Eligibility Verification System (EVS), as described in the [*Identifying Third-Party Liability*](#) section of this module.

If the EVS indicates that a member has TPL, and the provider submits the claim to the IHCP without documentation that the third-party resource was billed, federal regulations (with a few exceptions, as described in the [*Services Exempt from Third-Party Liability Cost Avoidance Requirements*](#) section of this document) require that the claim be denied. This process is known as *cost avoidance*.

When a claim is cost avoided, the provider must bill the appropriate third party. If that resource denies payment or pays less than the IHCP would have paid, the provider can rebill the claim to the IHCP.

Providers must be fully aware of and comply with the procedures outlined in this document to prevent claims from being erroneously cost avoided.

Identifying Other Insurance Coverage

The following sections describe methods for identifying other insurance, including health and liability coverage, that an IHCP member may have, and for maintaining that information in the IHCP's claim-processing system, *CoreMMIS*.

Health Insurance

The TPL program has four primary sources of information for identifying members who have other health insurance. Those sources are as follows:

- *Family and Social Services Administration (FSSA) Division of Family Resources (DFR)* – During the IHCP application process, applicants are asked if they have other insurance coverage. If so, all available information is obtained and updated in the member's file in the Indiana Eligibility Determination Services System (IEDSS). IEDSS electronically transfers the information to the IHCP.
- *Data matches* – The IHCP uses a private vendor, HMS Holdings Corp (HMS), a subsidiary of Gainwell, to perform regular data matches between IHCP members and commercial insurance eligibility files. Data matches are performed with all major insurers, including Anthem Blue Cross

and Blue Shield, Aetna, Cigna, Prudential, United Healthcare, and many others. HMS obtains full information about any identified coverage and transmits it electronically to the IHCP.

- *Providers* – During the IHCP member’s medical appointment, providers must ask if there is another resource available for payment, such as group health insurance. In the case of an injury or illness due to an accident, there may be auto, homeowners’ and/or workers’ compensation insurance. If so, providers must obtain information about the other policy and send it to the IHCP by written notice, telephone call, notification through the IHCP Provider Healthcare Portal (IHCP Portal) or inclusion on a claim form. Providers should request that the IHCP member sign an assignment of benefits authorization form. This form must state that the member authorizes the insurance carrier to reimburse the provider directly. Providers must submit a copy of this form when billing other carriers.
- *Medicaid Third-Party Liability Questionnaire* – Providers and members use this questionnaire to update the IHCP member’s file. The completed TPL questionnaire can be uploaded as an attachment to a secure correspondence message on the IHCP Portal, or it may be emailed, faxed or mailed to the TPL Unit, as described in the [Third-Party Liability Update Procedures](#) section. This form can be downloaded from the [Forms](#) page at in.gov/medicaid/providers in the *Third-Party Liability Forms* section.

Regardless of the source, all TPL health coverage information is verified by HMS or IEDSS and then is stored in the IHCP Core Medicaid Management Information System (*CoreMMIS*) and is available to providers through the EVS. Indemnity policies paying only the member, such as AFLAC, are **not** maintained in *CoreMMIS*.

Note: Benefits for active duty or retired military personnel and their dependents may be available through a medical plan for the uniformed services called TRICARE. For Indiana TRICARE claims, contact the east region contractor:

TRICARE East
Humana Military
800-444-5445
humanamilitary.com

Liability Insurance

Unlike health insurance, liability insurance generally reimburses Medicaid for claim payments only under certain circumstances. For example:

- An auto insurance liability policy covers medical expenses only if expenses are the direct result of an automobile accident, and the individual insured under the policy is liable. However, if there is *medical payments* coverage under the automobile policy of the vehicle in which the member was injured, the member must establish only that the injuries are accident-related, ***but does not have to establish liability*** to pursue a medical payment claim.
- Under homeowner and other property-based liability insurance, generally, the “at fault” party’s liability must be established before an injured member is reimbursed for medical expenses related to the injury. However, if separate *medical payments* coverage is available under the policy, the member typically must establish only that the injury occurred on the property to obtain medical payment benefits.

The IHCP does not cost avoid claims based on liability insurance coverage or available medical payments coverage. If a provider is aware that a member has been in an accident, the provider can bill the IHCP or pursue payment from the liable party. If the IHCP is billed, the provider must indicate that the claim is for accident-related services by completing one of the following actions:

- For paper claim forms:
 - On the *CMS-1500* claim form, mark the appropriate boxes in field 10.
 - On the *UB-04* claim form, list the appropriate occurrence code in fields 31–36.
 - On the *ADA 2012* claim form, mark the appropriate box in field 45.
- For IHCP Portal claim submissions:
 - On the professional claim, select the appropriate option from the Accident Related and Date Type drop-down menus and complete the Date of Current field (and, for auto accidents, the Accident State and Accident Country fields) in the *Claim Information* section.
 - On the institutional claim, enter the appropriate occurrence code and dates in the *Occurrence Code* panel.
 - On the dental claim, complete the Accident Related and Accident Date fields in the *Claim Information* section.
- For 837 electronic transactions:
 - On the 837P (professional), 837I (institutional) or 837D (dental) transaction, enter the appropriate related cause code in data element 1362.

Providers choosing to initially pursue payment from the liable third party must remember that claims submitted to the IHCP after the 180-day timely filing limit are denied. Providers are not allowed to pursue the member for the difference in the amount billed to the IHCP and the amount paid by the IHCP.

When the IHCP pays claims for accident-related services, the TPL program performs postpayment research, based on trauma-related diagnosis codes identified in the Indiana Medicaid State Plan and the TPL Action Plan, to identify cases with potentially liable third parties. When third parties are identified, the IHCP presents all paid claims associated with the accident to the responsible third party for reimbursement by filing a lien against the personal injury settlement proceeds. Providers are not normally involved in this postpayment process and are not usually aware that the IHCP has pursued recoveries.

Providers may contact the TPL Casualty Unit with questions about TPL case procedures and are encouraged to report all identified personal injury cases to the TPL Casualty Unit. For example, if a provider receives a record request from an attorney regarding a TPL case, the provider is encouraged to notify the TPL Casualty Unit of the request. See the [Reporting Personal Injury Claims](#) section for instructions.

To submit updates to the TPL casualty information on file for a member, providers and members can use the *Medicaid Third-Party Liability Accident/Injury Questionnaire*, as described in the [Third-Party Liability Update Procedures](#) section.

Third-Party Liability Update Procedures

The eligibility worker enters other insurance information in the IEDSS when a member is enrolled in the IHCP. The information is transmitted electronically overnight to *CoreMMIS*. The next evening, eligibility information is transmitted from Gainwell for claim processing. The county office and the TPL health analysts update TPL information.

If a provider receives information from an insurance carrier that is different from the information the EVS lists for a member (for example, when a policy is terminated, a member was never covered, or the insurance carrier has a different billing address than on the TPL resource file), the provider can forward the information to the TPL Unit. Information about additional insurance coverage or changes in insurance coverage must be relayed to the TPL health analyst as soon as possible to keep member files current and to assist in accurate provider claim processing. The provider does not need to delay filing a claim. However, notifying the TPL Unit of updated TPL data makes subsequent billing easier.

Providers should forward copies of any documentation from another carrier that substantiates the need for changes to a member's TPL file, including the following:

- Explanation of payment (EOP)
- Explanation of benefits (EOB)
- Remittance advice (RA)
- Member's third-party insurance card
- Letter from the carrier
- Any other correspondence to maintain the member's TPL file

Include the member's name, Member ID, and any other pertinent member or carrier data on all correspondence. Send information about other insurance coverage to the following address:

IHCP Third-Party Liability
PO Box 50441
Indianapolis, IN 46250-0418
Toll-Free Telephone: 800-457-4584
Fax: 866-667-6579
Email: INXITPLRequests@gainwelltechnologies.com

Note: Do not send TPL-related claims or claim attachments to the TPL Unit for processing. TPL-related claims must be submitted using standard claim-processing procedures. The TPL Unit does not process claims. For billing instructions and claim processing, see the [Claim Submission and Processing](#) module.

Automated TPL resource update letters and questionnaires are sent to providers when a third-party payment is reported on a claim and there is no record of the coverage in *CoreMMIS*. These questionnaires request updated TPL information. Upon receiving a TPL questionnaire, providers have 15 days to return the completed questionnaire to the TPL Unit for verification.

Providers can access the *Medicaid Third-Party Liability Questionnaire* and *Medicaid Third-Party Liability Accident/Injury Questionnaire*, as needed, from the [Forms](#) page at in.gov/medicaid/providers. When a questionnaire is completed, the provider can attach the form to a secure correspondence message in the IHCP Portal or email, fax or mail it to the TPL Unit. Providers are encouraged to use these forms to provide any and all information available for investigation, including information about additional insurance or terminated insurance. The TPL Unit investigates the information submitted and makes any changes needed to *CoreMMIS*.

The TPL Unit reviews and verifies all IHCP member insurance information provided, coordinates with the carrier if required, and makes necessary changes to the TPL file in *CoreMMIS* to accurately reflect member TPL coverage. *CoreMMIS* transmits information electronically to IEDSS and appropriately incorporates member TPL file updates. Providers can confirm the update with the EVS or by calling the TPL Unit. Allow 20 business days from the date of receipt for the IHCP member's file to be updated.

Services Exempt From Third-Party Liability Cost Avoidance Requirements

To increase overall provider participation in Medicaid and to encourage continued provision of certain services, the Centers for Medicare & Medicaid Services (CMS) exempts certain medical services from the TPL cost avoidance requirement, as described in the following sections.

Providers that render any of these exempt services are still permitted, but are not required, to bill available third-party resources. Claims for these services bypass the normal cost-avoidance process; the IHCP pays these claims regardless of other insurance coverage or liability.

*Note: For members with both Medicaid and Medicare coverage, known as dually eligible members, Medicare-excluded services (that is, services that are **never** covered by Medicare) do not have to be billed to Medicare before they can be billed to the IHCP. For more information, see the [Medicare Noncovered Services](#) section.*

Preventive Pediatric Care Services

Federal regulations allow providers to bill some claims for preventive pediatric care, including Early and Periodic Screening, Diagnostic and Treatment (EPSDT) services, to the IHCP first, even when TPL is present for the member.

To bypass the TPL edits, claims for these services must use a diagnosis code listed in *Preventive Pediatric Care Diagnosis Codes That Bypass Cost Avoidance* (accessible from the [Code Sets](#) page at [in.gov/medicaid/providers](https://www.in.gov/medicaid/providers)) as follows:

- For institutional billing (*UB-04* claim form or electronic equivalent), the appropriate preventive pediatric care diagnosis code must be principal (listed first) on the claim.
- For professional billing (*CMS-1500* claim form or electronic equivalent), the appropriate preventive pediatric care diagnosis code must be listed at the claim level and also indicated, using the diagnosis pointer, at the detail level for relevant procedure codes.

In situations where the claim is for preventative pediatric services (including EPSDT) that are covered under the Indiana Medicaid State Plan and that meet the preceding diagnosis requirements, the IHCP must pay the claim and then pursue recovery from the third party.

HCBS, MFP and MRO Services

Home- and Community-Based Services (HCBS), Money Follows the Person (MFP), and Medicaid Rehabilitation Option (MRO) claims are also exempt from TPL cost avoidance requirements. The IHCP will not bill private insurance carriers through the TPL or reclamation processes for claims containing covered procedure-code-and-modifier combinations for the following benefit plans:

- Adult Mental Health Habilitation (AMHH)
- Behavioral and Primary Healthcare Coordination (BPHC)
- Child Mental Health Wraparound (CMHW)
- Community Integration and Habilitation Waiver (CIH Waiver)
- Family Supports Waiver (FSW)
- Health and Wellness (H&W) Waiver
- Indiana PathWays for Aging (PathWays) Waiver

- Medicaid Rehabilitation Option (MRO)
- MFP Demonstration Grant (MFP H&W/PathWays)
- MFP Community Integration and Habilitation (MFP CIH)
- Traumatic Brain Injury Waiver (TBI Waiver)

Peer Recovery and Mobile Crisis Services

For dates of service on or after **Jan. 1, 2023**, peer recovery services (procedure code H0038 – *Self-help/peer services, per 15 minutes*) bypass the normal IHCP cost-avoidance process.

For dates of service on or after **July 1, 2023**, this same exemption also applies to the mobile crisis services listed in the *Covered Procedure Codes for DMHA-Designated Mobile Crisis Units* table in *Behavioral Health Services Codes* (accessible from accessible from the [Code Sets](#) page at in.gov/medicaid/providers).

Providers are no longer required to bill available third-party resources before submitting a claim for these services to the IHCP.

Third-Party Liability Reimbursement Requirements

This section outlines provider responsibilities for supporting cost containment through timely identification and billing of primary insurers.

The IHCP requires members to follow the rules of their primary insurance carrier. The IHCP's reimbursement determination considers the primary payer paid amount. In the case of a primary insurance denial, the provider must submit proof of a valid primary insurance denial when submitting the secondary claim to the IHCP. Additional proof is also required if the primary insurer pays zero on the claim. See the [Proof of Denial or Zero Payment](#) section for more information.

Identifying Third-Party Liability

Before rendering a service, providers must verify that the member is eligible using one of the following EVS options, as described in the [Member Eligibility and Benefit Coverage](#) module:

- [IHCP Provider Healthcare Portal](#), accessible from the homepage at in.gov/medicaid/providers
- Virtual assistant (GABBY) at 800-457-4584, option 2
- 270/271 Eligibility Benefit Inquiry and Response electronic transactions using approved vendor software

Additionally, the EVS should be used to verify whether another insurer is liable for all or part of the bill. The EVS has the most current TPL information that is on file with the IHCP, including the insurance carrier, policy numbers and coverage type. See Figure 1 for an example of how this information appears in the IHCP Portal.

Figure 1 – Eligibility Verification on the IHCP Portal:
Example of the *Other Insurance Details* Panel

Other Insurance Details						
Carrier Name (Carrier ID)	Address	Phone Number	Policy ID	Group ID	Policy Holder	Coverage Type
Medicare	P.O. BOX 00000 XXCITY, IN 00000	1-800-000-0000	000	XXXX	MEMBER NAME (100100100X0)	MEDICARE A
CARRIER NAME PART D (0000000)	P.O. BOX 00000 XXCITY, IN 00000	1-800-000-0000	000	XXXXX	MEMBER NAME (100100100X0)	MEDICARE PART D

Services covered by a primary insurer must be billed to that carrier first. If no other insurer is indicated on the EVS and the member reports no additional coverage, providers bill the service to the IHCP as the primary payer.

Providers may contact the TPL Unit with questions about other insurance available to a member. See the [Third-Party Liability Inquiries](#) section of this document for details.

Coverage Types for Other Insurance

The EVS options identify the following coverage types for the member's other insurance:

- Cancer
- Dental
- Home health
- Hospitalization
- Hospitalization, medical and major medical
- Indemnity
- Medical
- Medicare Advantage Plan
- Medicare Part A
- Medicare Part B
- Medicare Part D
- Medicare supplemental plan
- Mental health
- Optical/vision
- Pharmacy
- Skilled care in a nursing facility

In some cases, it is not possible to determine from the coverage type whether a *specific* service is covered. If a specific service does not appear to be covered by the identified TPL resource, providers are still required to bill this resource to receive a denial or payment. For example, some insurance carriers cover optical and vision services under a medical plan.

Medicaid Coverage for Members With Medicare

Some Medicare members may be eligible for IHCP coverage of certain Medicare cost-sharing expenses under one of the following Medicare Savings Programs:

- Qualified Medicare Beneficiary (QMB)
- Specified Low-Income Medicare Beneficiary (SLMB)
- Qualified Individual (QI)
- Qualified Disabled Working Individual (QDWI)

These Medicare Savings Programs pay for the individual's Medicare Part A and/or Part B premiums and, in some cases, Medicare deductibles and coinsurance or copayment – **but they do not provide medical coverage**. Therefore, if the EVS identifies an IHCP member as having *only* one of these Medicare Savings Plans and **no other Medicaid coverage**, the provider should contact Medicare to confirm medical coverage.


Note: Providers can contact Medicare by calling 800-MEDICARE (800-633-4227). Failure to confirm medical coverage before billing Medicare could result in claim denial, because the Medicare benefits may have been discontinued or recently denied.

Some Medicare members **do** have comprehensive Medicaid coverage (under Full Medicaid or Package A – Standard Plan) – either in addition to a Medicare Savings Program or as their only IHCP benefit plan. For these members, the IHCP pays the applicable Medicare cost sharing (depending on the member's eligibility category) and **also** maintains the role of secondary insurance payer, or *payer of last resort*, for services covered under the Indiana Medicaid State Plan.

QMB and SLMB members who *also* have Full Medicaid/Package A coverage are referred to as **QMB-Also** and **SLMB-Also** members. Full Medicaid/Package A members who are enrolled in Medicare but do not qualify for a Medicare Savings Program are known as **Other Full Benefit Dual Eligible (Other FBDE)** members. The IHCP provides the same level of coverage for Other FBDE members as it provides for SLMB-Also members. (For details about coverage under each Medicare Savings Plan, see the [Member Eligibility and Benefit Coverage](#) module.)

Figure 2 shows an example of an IHCP Portal eligibility verification for a member who is QMB-Also. If the result had, instead, shown **only** *Qualified Medicare Beneficiary* for the coverage (without **also** listing *Full Medicaid* or *Package A – Standard Plan* coverage), then the member would be considered QMB-Only, and no claims should be submitted to the IHCP. If the result had shown **only** *Full Medicaid* coverage (without also listing a Medicare Savings Program such as *Qualified Medicare Beneficiary*), and the member is eligible for Medicare for the date of service, then the member would be considered Other FBDE.

Figure 2 – Eligibility Verification on the IHCP Portal:
Example of the *Benefit Details* Panel for QMB-Also Coverage

Benefit Details 			
Coverage	Description	Effective Date	End Date
Qualified Medicare Beneficiary	Qualified Medicare Beneficiary - Members for whom co-insurance and deductibles are paid as well as Medicare Part B premiums	11/02/2017	11/02/2017
Full Medicaid	Full Medicaid for individuals who are 65 years old, blind, or disabled (FFS or Managed Care)	11/02/2017	11/02/2017

For QMB-Also, SLMB-Also and Other FBDE, if the Medicare payment amount for a claim exceeds or equals the Medicaid allowable amount for that claim, Medicaid reimbursement will be zero. If the Medicaid allowable amount for a claim exceeds the Medicare payment amount for that claim, Medicaid reimbursement is the lesser of:

- (a) The Medicaid allowable amount minus the Medicare payment amount
- or
- (b) The Medicare coinsurance or copayment and deductible, if any, for the claim

See the [Billing and Reimbursement for Dually Eligible \(Medicare/Medicaid\) Members](#) section for more information about billing and reimbursement for QMB-Also, SLMB-Also and Other FBDE members.

Prior Authorization and Third-Party Liability

If a service requires prior authorization (PA) by the IHCP, this requirement must be satisfied to receive payment from the IHCP, even if a third party paid a portion of the charge. Therefore, a provider may need to obtain PA from the other health insurance entity *as well as* from the IHCP prior to rendering services.

The only exception is for crossover claims; no IHCP PA is required for services covered under Medicare Parts A or B and paid (in whole or in part, including payments of \$0 due to deductible, coinsurance or copayment) by Medicare or a Medicare Advantage Plan.

TPL Billing and Documentation Procedures

When a provider submits a claim to the IHCP for the difference between the amount billed and the primary insurer's payment, the IHCP pays the difference, *up to the IHCP allowable charge*. If the primary insurer payment is equal to or greater than the IHCP-allowable charge, no payment is made by the IHCP. The provider is not required to send such claims to the IHCP for processing. If such a claim is submitted to the IHCP, it will appear on the IHCP remittance advice (RA) as a paid claim, reimbursed at zero dollars. Providers cannot bill members for any balance.

Amount Paid: Claim- and Detail-Level Information

When submitting claims to the IHCP for services where another carrier was billed and did not deny the claim, the *total amount paid* by the other party must be entered in the appropriate field on the IHCP claim, even if the payment amount is zero.

In addition, for certain types of claims, TPL information must also be reported for each *detail* of the claim. TPL information is required at the **detail level** for the following claims (including on crossover claims, when applicable):

- Dental (*ADA 2012* claim form, IHCP Portal dental claim or 837D transaction)
- Home health, including, hospice (*UB-04* claim form, IHCP Portal institutional claim, or 837I transaction with a corresponding home health or hospice type of bill)
- Outpatient (*UB-04* claim form, IHCP Portal institutional claim, or 837I transaction with an outpatient type of bill)
- Professional (also known as *medical* or *physician*) (*CMS-1500* claim form, IHCP Portal professional claim or 837P transaction)

For crossover claims, this detail-level information must include Medicare paid amount, deductible, coinsurance, copayment, and blood deductible (as applicable), as well as any applicable non-Medicare TPL details.

Important: Providers using paper claim forms (ADA 2012, UB-04 or CMS-1500) must submit this detail-level TPL information using the IHCP TPL/Medicare Special Attachment Form, available from the [Forms](#) page at in.gov/medicaid/providers. The [Quick Reference Guide: TPL/Medicare Special Attachment Form Instructions](#) explains how to report header- and detail-level TPL information, both for Medicare and commercial insurance, on paper claim submissions.

Providers are strongly encouraged to file claims electronically. Standard electronic data interchange (EDI) claim transactions (837P, 837I and 837D) and IHCP Portal claim transactions (professional, institutional and dental) allow providers to include the necessary detail-level information, and do not require the separate paper special attachment form. Electronic submissions are processed more efficiently than paper claim submissions.

See the *Coordination of Benefits* section of the [Claim Submission and Processing](#) module for more information.

Proof of Denial or Zero Payment

For members who have other insurance, if the primary insurer *denies* the claim, the provider must submit proof of a valid denial when submitting the secondary claim to the IHCP. In addition, for commercial TPL (primary insurers other than Medicare or a Medicare Advantage Plan), proof is *also* required if the primary insurer *pays zero* on the claim, for example, due to the full amount being applied to a deductible or copayment.

Proof that the service was billed to the primary payer must be submitted with the IHCP claim as follows:

- For **commercial TPL**, proof of **denial** or **zero payment** may be submitted in one of two ways:
 - Attach a copy of the denial or nonpayment – such as an explanation of payment (EOP), explanation of benefits (EOB) or remittance advice (RA) – to the IHCP claim. If an EOP, EOB or RA cannot be obtained, a copy of the statement or correspondence from the third-party carrier may be attached to the claim, instead. The service code billed on the IHCP claim must be listed on the EOP, EOB, RA or other submitted documentation.
 - The IHCP Portal allows users to upload attachments electronically.
 - For paper claims and claims submitted via 837 electronic transaction, see the [Claim Submission and Processing](#) module for instructions on submitting attachments by mail.
- Or**
- Enter a qualifying adjustment reason code (ARC) to report the valid claim denial or nonpayment reason on the IHCP claim. See the [Claim Submission and Processing](#) module for a list of qualifying ARCs. The TPL ARC is entered on the IHCP claim as follows:
 - In the *Claim Adjustment Details* panel for the other insurance entered in a claim on the IHCP Portal
 - On the CAS segments of an 837 transaction
 - On the [IHCP TPL/Medicare Special Attachment Form](#) submitted with the paper claim

- For **Medicare or Medicare Advantage Plan denied claims**, the provider is required to submit a copy of the Explanation of Medicare Benefits (EOMB) or Medicare Advantage Plan EOB as an attachment to the claim:
 - The option of entering a qualifying ARC to report a denial by the primary carrier does not apply to Medicare or Medicare Advantage Plan claims.
 - For Medicare Advantage Plan EOBs, the words **Medicare Advantage Plan** should be written on the top of the attachment.

Exception: Medicare Advantage Plan claims for Medicare-excluded services (such as dental care) are treated like commercial TPL claims. If the Medicare Advantage Plan denied the claim with a qualifying ARC, that ARC may be entered on the Medicaid claim in lieu of attaching the EOB. For more information about Medicare-excluded services, see the [Medicare Noncovered Services](#) section.

- For **Medicare or Medicare Advantage Plan zero-pay claims**, adjustment information must be included on the IHCP claim (or special attachment form), and no additional documentation is needed. (See the [Reimbursement for Dually Eligible \(Medicare/Medicaid\) Members](#) section for more information about billing for dually eligible members.)

If the other carrier paid an amount *greater than zero* on the claim, and that payment amount is entered on the IHCP claim, this additional documentation is generally not required.

Note: Providers should only report the actual, true dollar amount received from the other insurance carrier. It is not an acceptable practice to list a small dollar amount (such as \$0.01 or \$0.02) if that amount was not actually paid by the TPL carrier, in an effort to circumvent the requirements of first billing the TPL carrier and then entering the true payment amount on the Medicaid claim and, if the amount is zero, including the appropriate documentation as described in this section.

Blanket Denials

When a service is repeatedly rendered and billed to the IHCP, and is not covered by the third-party insurance policy, a provider can submit photocopies of the original insurer's denial for the remainder of the year in which the denial is received. The provider should write *Blanket Denial* on the insurance denial, as well as on the top of the claim form, when submitting copies for billing purposes. The denial reason must relate to the specific services and time frames of the new claim.

For example, if an insurer denies a claim for skilled nursing care because the policy limits are exhausted for the calendar year, this same denial could be used for subsequent skilled nursing care-related claims for the duration of the calendar year.

Third-Party Payer Fails to Respond (90-Day Provision)

When a member has other insurance, an IHCP provider must submit claims to the other insurance carrier before submitting a claim to the IHCP. The other insurance carrier will pay or deny the claim, and the provider will receive a written response on an EOB from the other insurance carrier.

If a third-party insurance carrier fails to respond within 90 days of the billing date, the provider can submit the claim to the IHCP for payment consideration. However, attempts to bill the third party must be substantiated as follows:

- The following items must be included with the claim:
 - Copies of unpaid bills or statements sent to the insurance company
 - Written notification from the provider, indicating the billing dates and explaining why the third party failed to respond within 90 days

- The following information must be documented in the claim note (if submitting the claim electronically, as an 837 transaction or IHCP Portal claim), or written boldly on the attachments (if submitting a paper claim by mail):
 - Date of the filing attempt
 - The phrase “**No response after 90 days**”
 - IHCP Member ID
 - Provider’s National Provider Identifier (NPI)
 - Name of primary insurance carrier billed

For more information about claim notes and attachments, see the [Claim Submission and Processing](#) module.

Insurance Carrier Reimburses IHCP Member

When a provider has proof that an IHCP member received reimbursement from an insurance carrier, follow these steps:

1. Contact the insurance carrier and advise payment was made to the member in error.
2. Request a correction and reimbursement be made to the provider.
3. If unsuccessful, document the attempts made and submit under the 90-day provision.

In future visits with the IHCP member, the provider should request that the IHCP member sign an assignment-of-benefits authorization form. The form states that the member authorizes the insurance carrier to reimburse the provider. This process may result in reimbursement directly to the provider, if the provider submits the form when filing the claim with the third-party carrier.

Reporting Suspected Fraud

If a provider believes a member is committing fraud, the provider can report that information to the FSSA Compliance Division. The FSSA Compliance Division will contact the Bureau of Investigations with the information and may review the member’s utilization for placement in the Right Choices Program. To report fraud, providers can:

- Call IHCP Provider and Member Concerns Line at 800-457-4515 (option 2).
- Call Indiana FSSA fraud hotline toll-free at 800-446-1993 (option 5).
- Send email to ReportFraud@fssa.in.gov.

Subsequent Third-Party Liability Payment

TPL payments received by providers for claims paid by the IHCP cannot be used to supplement the IHCP allowable charges. If the IHCP paid the provider for services rendered, and the provider subsequently receives payment from any other source for the same services, the IHCP payment must be refunded within 60 days. The refund is not to exceed the IHCP payment to the provider.

Fee-for-service (FFS) claims may be adjusted via the IHCP Portal (using the Void or Edit options), or an adjustment form must be completed and submitted to the Adjustment Unit at the following address:

**Gainwell – Adjustments
PO Box 50444
Indianapolis, IN 46250-0420**

Adjustment procedures are outlined in the [Claim Adjustments](#) module.

Gainwell Technologies and its subsidiary, HMS, collect credit balances owed to the IHCP for FFS claims. All providers are encouraged to use the credit balance process to return overpayments. For questions about the credit balance process or requests for copies of the credit balance worksheet, providers can contact HMS Provider Relations toll-free at 877-264-4854. The *Indiana Office of Medicaid Policy and Planning – Credit Balance Worksheet* and the *IHCP – Credit Balance Worksheet Instructions* are also available on the [Forms](#) page at in.gov/medicaid/providers in the *Third-Party Liability Forms* section.

Checks must be made payable to the **IHCP** and mailed to the following address:

Gainwell – Refunds
P.O. Box 2303, Dept. 130
Indianapolis, IN 46206-2303

IHCP Remittance Advice Information

If an IHCP claim denies for TPL reasons, TPL billing information about the member is provided on the RA. RAs for FFS, nonpharmacy claims billed to Gainwell are available weekly on the IHCP Portal. See the [Financial Transactions and Remittance Advice](#) module for information. The electronic 835 transaction identifies this information with the adjustment reason and adjustment remark codes.

If the IHCP has a TPL resource for a member on file, and a claim is submitted for payment with no amount in the TPL field, the claim will deny for TPL. The TPL EOBs are as follows:

- EOB 2500 – *This member covered by Medicare Part A; therefore, you must first file claims with Medicare.*
- EOB 2502 – *This member covered by Medicare Part B or Medicare D; therefore, you must first file the claims with Medicare. If already submitted to Medicare, please submit your EOMB.*
- EOB 2505 – *This member covered by private insurance, which must be billed prior to Medicaid.*

If the provider has information that corrects or updates the TPL information provided on the RA or 835 electronic transaction, follow the procedures for updating TPL information as described in the [Third-Party Liability Update Procedures](#) section of this module.

Billing and Reimbursement for Dually Eligible (Medicare/Medicaid) Members

As described in the [Medicaid Coverage for Members With Medicare](#) section, many IHCP members are *dually eligible* – having both Medicaid and Medicare coverage. According to TPL regulations, Medicare is treated the same as any other available resource. Thus, when an IHCP member is also enrolled in Medicare, providers must bill Medicare prior to submitting a claim to the IHCP for reimbursement.

For Medicare crossover claims, the IHCP pays only when the Medicaid allowed amount exceeds the amount paid by Medicare, such as the following:

- If the Medicaid allowed amount exceeds the Medicare paid amount, the IHCP pays the lesser of the coinsurance or copayment plus deductible, or the difference between the Medicaid allowed amount and the Medicare paid amount.
- If the Medicare paid amount exceeds the Medicaid allowed amount, the IHCP processes the claim with a paid claim status with a zero-reimbursed amount.

See the [Pharmacy Services](#) module for information about prescription drug billing and reimbursement for dually eligible members.

Medicare Enrollment Requirements for Providers

For an IHCP provider to receive reimbursement from Medicare, the provider must be enrolled in the Medicare program.

Providers can be enrolled in Medicare as **participating or nonparticipating**. Medicare participating providers, and nonparticipating providers that agree to accept assignment of benefits and to which benefits have been assigned, receive payment directly from Medicare. The provider accepts Medicare's allowable amount (which is calculated based upon the provider's status as participating or nonparticipating), and the patient is not responsible for the disallowed amount. The patient is responsible for only the deductible and coinsurance or copayment. For example, if the charge is \$150, the Medicare allowable amount is \$100, the deductible is \$25, and coinsurance/copayment is \$15, then Medicare pays \$60 (allowable amount minus deductible and coinsurance/copayment), the patient (and/or Medicaid, in some cases) pays \$40 (deductible plus coinsurance/copayment), and the provider absorbs \$50 (disallowed amount [charged amount minus allowable amount]).

Some nonparticipating providers may choose to **accept or not accept assignment** on Medicare claims, on a claim-by-claim basis. Medicare benefits not assigned are paid directly to the beneficiary. If the nonparticipating provider chooses not to accept assignment, the provider may not charge the beneficiary more than the Medicare limiting charge for unassigned claims for Medicare services.

If a provider is not enrolled in Medicare, either as participating or nonparticipating, the member should be referred to a Medicare and Medicaid dually enrolled provider to receive the best benefit. The only exception to this policy is behavioral health providers that are not approved to bill Medicare.

Behavioral Health Service Providers Not Approved to Bill Medicare

Some behavioral health providers are not approved to bill Medicare. Providers can complete the following steps to expedite IHCP claim payment for services rendered to dually eligible members by such providers:

1. Complete the claim as described in the [Behavioral Health Services](#) module.
2. Indicate that the provider is not approved to bill services to Medicare as follows:
 - For electronic claims submitted via the IHCP Portal or 837 transaction, enter "**Provider not approved to bill services to Medicare**" as a claim note.
 - For paper claims, submit an attachment indicating that the provider is not eligible to bill Medicare.

This process allows the claim to suspend for review of the attachment or claim note, and the claim is adjudicated accordingly.

Crossover Claims

Crossover claims are claims for services that are covered under Medicare, and for which the member's Medicare or Medicare Advantage Plan has made payment (including payments of zero due to a deductible, coinsurance or copayment).

*Note: Claims for Medicare **noncovered** services are **not** considered crossover claims. Providers should submit Medicare or Medicare Advantage Plan denials through the normal IHCP claim process. For more information, see the [Medicare Noncovered Services](#) section.*

Medicare claims that meet certain criteria cross over *automatically* from Medicare to Medicaid and are reflected on the IHCP RA statement or 835 transaction. In these cases, the provider does not need to submit a claim directly to the IHCP. For claims that do *not* cross over automatically to Medicaid (including all Medicare Advantage Plan claims), the provider must submit a separate claim to the IHCP for Medicaid adjudication.

The following information concerns crossover claims:

- Providers must include the correct NPI on the Medicare claim for the claim to cross over automatically to the IHCP. Atypical providers must ensure that the Medicare provider number, per service location, by individual provider and billing provider, is on file with the IHCP Provider Enrollment Unit. The [Provider Enrollment](#) module provides further information about provider enrollment.
- Claims that did **not** cross over automatically should be submitted separately to the IHCP for Medicaid adjudication. If a provider does not receive IHCP notification within 60 days of the Medicare payment, it can be assumed that the claim did not cross over automatically to the IHCP. Providers whose FFS claims are not crossing over automatically should contact the Customer Assistance Unit at 800-457-4584.
- For claims that do **not** cross over automatically, providers must comply with all IHCP billing rules – including using the appropriate claim type – when submitting the crossover claim to the IHCP. For detailed instructions on submitting FFS crossover claims, see the [Claim Submission and Processing](#) module.
- When filing claims for services that were paid (including payments of \$0) by Medicare or a Medicare Advantage Plan, it is not necessary to include a copy of the Medicare EOMB or Medicare Advantage Plan EOB as an attachment to the claim.
- If the member has a Medicare supplemental policy, the claim is filed with Medicare and automatically crosses over to the Medicare supplemental carrier, rather than to the IHCP, for payment of coinsurance or copayment and deductible. After the provider receives all EOBs, the provider may submit the claim to the IHCP by either of the following processes:
 - Electronically through the IHCP Portal, with the EOBs attached through the File Transfer upload process or sent separately as a paper attachment
 - By mail on a paper claim form, with the corresponding paper EOBs attached

Note: If the TPL coverage code for the supplemental policy has been entered erroneously as a Hospitalization or Medical, rather than Medicare Supplemental Plan, the claim crosses directly to the IHCP and may be paid without proof of filing with the Medicare supplemental carrier. These situations generally result in IHCP overpayments that must be refunded immediately.

To prevent an overpayment, a provider that discovers a Medicare supplemental policy erroneously identified as Hospitalization or Medical on the EVS can request a TPL file update by sending a copy of the member's Medicare supplemental insurance card to the TPL Unit. See the [Third-Party Liability Update Procedures](#) section of this document for update procedures.

- Providers must include claim-filing code 16 – *Health Maintenance Organization (HMO) Medicare Risk* when submitting Medicare Advantage Plan claims electronically via 837 transaction or the IHCP Portal. Providers should use claim-filing codes MA and MB for original Part A and Part B Medicare claims filed electronically.
- Medicare Part D pharmacy claims do not cross over. See the [Pharmacy Services](#) module for more information about pharmacy claims and dually eligible members.
- For outpatient, home health and professional crossover claims, the following must be completed:
 - The individual Medicare coinsurance or copayment and deductible must be reported for **each detail** on the claim (see the [Amount Paid: Claim- and Detail-Level Information](#) section).
 - The Medicare paid amount, meaning the actual dollars received from Medicare, must be reported as a **total amount** on the claim as well as **for each individual detail**.

For crossover claims submitted on paper claim forms, these detail-level amounts must be reported in the respective locations on the *IHCP TPL/Medicare Special Attachment Form* available on the [Forms](https://in.gov/medicaid/providers) page at in.gov/medicaid/providers.

- Any Part B crossover claim that is submitted on paper **must** also include the *IHCP TPL/Medicare Special Attachment Form* that itemizes Medicare paid amounts, coinsurance or copayment, deductible, and blood deductible at the detail level. The form and instructions are available on the [Forms](https://in.gov/medicaid/providers) page at in.gov/medicaid/providers.
- There is no filing limit for crossover claims.
- IHCP prior authorization is not required for Medicare-covered services provided to dually eligible members. If a service is covered under Medicare Part A or Part B, and payment was made by the member's Medicare or Medicare Advantage Plan (including payments of zero due to a deductible, coinsurance or copayment), then normal IHCP PA requirements are waived.

Medicare Noncovered Services

Claims for services that are not covered by Medicare are not considered crossover claims. Medicare noncovered services include both Medicare-denied services and Medicare-excluded services:

- **Medicare-denied services** – Services that were denied by Medicare or a Medicare Advantage Plan must be filed with the IHCP on a separate claim from paid services, and the appropriate EOMB or EOB must be attached for reimbursement consideration. For Medicare-denied services billed via the IHCP Portal, the EOMB or EOB may be uploaded as an attachment to the claim, or sent separately by mail. In the case of claims denied by a Medicare Advantage Plan, the EOB must be attached to the claim with **Medicare Advantage Plan** written on the top of the attachment.
- **Medicare-excluded services** – Services that are excluded from and *never covered* by Medicare can be billed directly to the IHCP, bypassing the requirement to bill Medicare (or a Medicare supplemental plan) first. For all other services provided to dually eligible members, IHCP benefits can be paid only after Medicare payment or denial. **This exception does *not* apply to members with a Medicare Advantage Plan, because those plans may provide coverage for Medicare-excluded services, such as dental or vision.**

For both Medicare-denied and Medicare-excluded services, if the dually eligible member has *other* insurance on file that may cover the service, the other insurance resources must be billed before the IHCP – unless the service is exempt from TPL as indicated in the *Services Exempt From Third-Party Liability Cost Avoidance Requirements* section.

Retroactive Medicare Eligibility

The IHCP performs an automated review of the member TPL coverage files to identify Medicare coverage added with a retroactive effective date. When such coverage is identified, all claims paid by the IHCP, when Medicare should have paid as primary, are reported back to the providers of service to be billed to Medicare. HMS, a subsidiary of Gainwell, initiates the quarterly Medicare TPL Disallowance Project and will notify providers of paid IHCP claims with Medicare coverage. Providers receiving these reports must bill Medicare according to instructions in the letter accompanying the reports or notify HMS as to why the claims cannot be billed to Medicare. The providers have 60 days from receipt of the report to bill Medicare. After 60 days, the IHCP paid claims will be adjusted.

For questions about the Medicare TPL Disallowance Project, providers can contact HMS Provider Relations at 877-264-4854. See the [TPL Disallowance Project](#) section for more information.

TPL Disallowance Project

The TPL Disallowance Project supplies IHCP providers with Medicare and third-party commercial insurance information to properly bill claims to the primary carrier. The Indiana FSSA Office of Medicaid Policy and Planning (OMPP) – through its fiscal agent, Gainwell, and HMS – manages the ongoing TPL Disallowance Project for the fee-for-service (FFS) benefit program.

HMS identifies paid IHCP claims for which there is third-party coverage and notifies the providers of the claim and third-party coverage information. Providers are notified via U.S. mail and provided with a list of the impacted claims. This notification is sent to the provider's mail-to address. Providers are given **60 days** to bill the third-party carrier and respond to HMS. The expectation is that the third-party carrier will pay the identified claims. If payment is not available from the other insurer, it is imperative that providers notify HMS within the allotted time period to avoid an inappropriate recoupment.

Providers can use the HMS Provider Portal to review claims included in the disallowance, acknowledge or dispute recovery requests, and upload documentation. On the HMS Provider Portal, providers can access a complete list of patients, claims and primary insurance information necessary to file claims with other carriers when a patient has health insurance primary to Medicaid. The HMS Provider Portal is a secure, web-based application that allows 24-hour access to a provider's claim listings. To set up an account, providers can self-register from the [New Registration](#) page at hmsportal.hms.com. Accounts can also be established by emailing HMS at hmsppuserverification@hms.com or by calling HMS at 855-554-6748.

Additionally, providers can contact HMS Provider Relations at 877-264-4854 or via fax at 214-905-2064. If disputing the claims owed, providers need to provide documentation that the third-party carrier denied the claim, or that no coverage was available for the claim. This documentation must be provided within the allotted 60-day time period, or the claims will be recouped, with explanation of benefits (EOB) code 8238 – *Recoupment due to identification of TPL or Medicare benefits under the HMS disallowance process.*

Services Rendered by Out-of-Network Providers

The IHCP requires members to follow the rules of their primary insurance carrier. This includes services rendered by out-of-network providers. The IHCP does not reimburse for services rendered out of another plan's network unless the service is court ordered. Supporting documentation must be attached to the claim when it is submitted for reimbursement. Examples of court orders are alcohol or drug rehabilitation, anger counseling, and so forth.

The IHCP will not reimburse for claims that the primary carrier denied because the member received out-of-network services when the carrier required to services to be delivered by in-network providers. A provider cannot use the *90-day provision* to circumvent this policy.

If the primary carrier pays for out-of-network services at the same rate as in-network services or at a reduced rate, the provider may submit the bill to the IHCP. If the primary insurance carrier pays for out-of-network services but does not pay a particular bill in full due to a deductible or copayment, the provider may still submit the bill to the IHCP. If the claim is allowed by the primary carrier but no payment was made due to the deductible or copayment, this information must be indicated on the claim form, and documentation from the carrier noting the deductible or copayment amount must be attached to the claim.

See the [Claim Submission and Processing](#) module for additional information about submitting this information electronically.

Reporting Personal Injury Claims

Providers are asked to notify the TPL Casualty Unit if a request for medical records is received from an IHCP member's attorney about a personal injury claim, or if information is available about a personal injury claim being pursued by an IHCP member. When notifying the TPL Casualty Unit, include the following information:

- IHCP member's name
- IHCP Member ID
- Date of injury
- Brief description of injury
- Treatment dates
- Insurance carrier information
- Policy number and/or claim number
- Attorney's name, telephone number and address, if available

To assist providers in submitting this information, the TPL Casualty Unit has developed the *Provider TPL Referral Form*, available on the [Forms](#) page at in.gov/medicaid/providers. However, use of this form is not required.

Providers can submit the information via the IHCP Portal secure correspondence (using with the category TPL Update) or by mail, telephone, fax or email using the following contact information:

IHCP Third-Party Liability – Casualty
PO Box 50441
Indianapolis, IN 46250-0418
Toll-Free Telephone: 800-457-4584
Toll-Free Fax: 866-667-6579
Email: INXITPLCasualty@gainwelltechnologies.com

Third-Party Liability Inquiries

As described in this module, providers are required to bill all other health insurance carriers prior to billing the IHCP, except for programs for which the IHCP is primary (see the [Introduction](#) section) and exempted services (see the [Services Exempt from Third-Party Liability Cost Avoidance Requirements](#) section).

Indiana Administrative Code 405 IAC 1-1-3, Claim Filing/Third Party Liability, provides details of other insurance in relation to the IHCP.

Providers have access to the most current insurance billing information through the EVS options (IHCP Portal, phone-based virtual assistant (GABBY) or 270/271 electronic transactions), as described in the [Identifying Third-Party Liability](#) section of this module.

In addition, providers can direct TPL-related questions to the TPL Unit. The TPL Unit maintains TPL files for IHCP members and is available to assist providers with determining other insurance resources. To discuss third-party insurance coverage issues, providers should contact the TPL health analyst using the following contact information:

IHCP Third-Party Liability
Toll-Free Telephone: 800-457-4584
Fax: 866-667-6579
Email: INXITPLRequests@gainwelltechnologies.com
Hours: 8 a.m. to 6 p.m. (Eastern Time) Monday through Friday, except holidays

When calling the TPL Unit, have the Member ID available.

Examples of calls handled by the TPL Unit include the following:

- The EVS provides a significant amount of TPL information to assist with billing procedures. The EVS provides complete address information for the 100 largest insurance companies, but provides only an identification number for smaller insurers. The TPL Unit can use the identification number to research reference material and provide the smaller insurer's name and address.
- The TPL Unit can provide information about the coverage types and policy effective dates when a question about coverage dates versus the dates of service occurs.

Note: The TPL Unit cannot provide information about benefits covered under each coverage type. Providers should contact the insurance carrier for this information.

The TPL Unit can assist with Medicare-related information affecting the IHCP billing process. However, there are limitations to the TPL Unit's assistance with Medicare issues. Members' Medicare information is automatically updated through information provided by an outside source. Update information from members' Medicare database is taken from Medicare files and compared to IHCP data. CoreMMIS automatically makes the changes. Following these regularly scheduled updates, the IHCP information matches the Medicare file information. When errors occur, corrections are coordinated with local county offices of the FSSA Division of Family Resources (DFR). When the county office confirms the corrections, the county office updates the IEDSS accordingly.