

Know Your Legal Rights

*“Know Your Legal Rights”
is a free legal education series
by [Dixon Law Office](#).*

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In an Accident? That's When Medicare Does NOT Pay

If you have Medicare, you know you have pretty good insurance. It covers most of what you need and most doctors accept it. You rest easy, knowing you are protected.

However, there are things you should know if you have Medicare and you are in a car accident.

1. Second Place

While Medicare is great insurance and covers most things, it is considered a “secondary payor.” That means Medicare pays but only after anyone else who might be responsible pays. In most circumstances, there is no one else responsible. But if you are in an accident, Medicare assumes the other person is responsible. That means Medicare won’t pay if you are hurt in an accident that might be the fault of someone else. They require the other person to pay first and Medicare second.

This puts Medicare recipients in a tough spot. They HAVE insurance, but the hospital cannot bill it. The doctor cannot use it. No one can. They have to bill the other guy and hope they pay. But, they almost never do.

2. The 120-Day Trick

What medical providers won’t tell you is that there is a trick to get Medicare to cover the bills. Medicare is always the secondary payor, but if no one else pays after 120 days, Medicare will pay the bill. They pay after that because the law assumes that if no one else has paid the bill in that time, no one else will. Medicare assumes that after four months, it is their responsibility.

However, Medicare will not just pay the bill automatically. After 120 days, you need to call the doctor and ask them to bill Medicare. Call the hospital and say, “it’s been 120 days, please bill Medicare now.” There are reasons why the billing department won’t like that (see our article called “The Dirty Little Secret”), but you can ask them to do it. In some cases, you can submit the bill yourself.

Having Medicare is a privilege you have earned. Being hurt in an accident does not mean you should be stuck with the bill. Follow these tips to make sure your bills are paid.

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