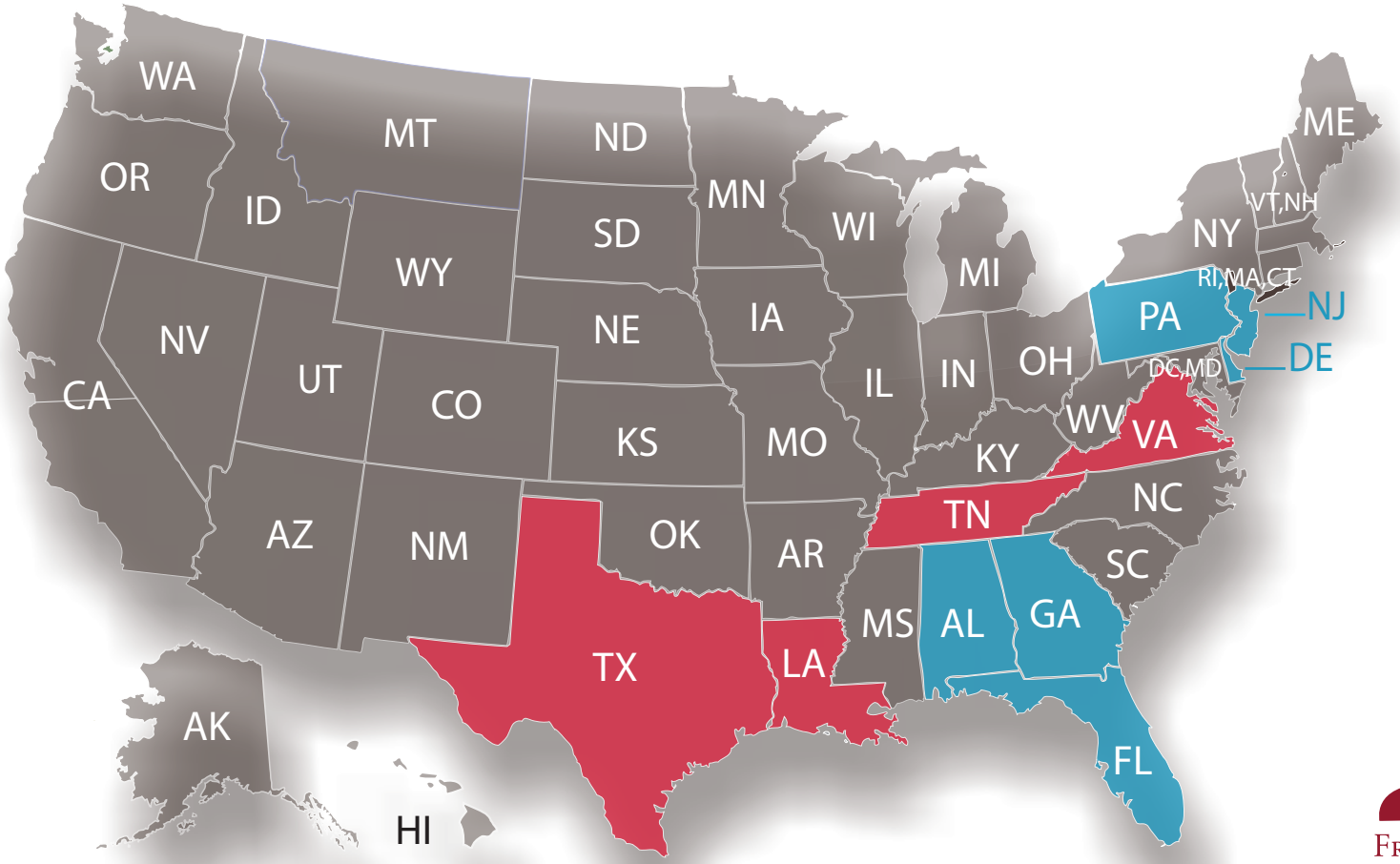
# Medicare Advantage Recovery Rights Across the U.S.




FRANCO SIGNOR

**The Rest of the Country**

**No Rulings Allowing for MAPs to Recover Double Damages**

There is currently no case law finding that MAPs have a right to double damages in these jurisdictions. However, as case law is constantly changing, we recommend making good faith efforts to identify and resolve MAP liens prior to settlement.

**Local District Courts**

**MAPs May Recover Double Damages**

Some local district courts in these states have found that MAPs have a right to a private cause of action to obtain double damages. A proactive and aggressive approach to resolving MAP conditional payments in these states is highly recommended.

**Third and Eleventh Circuit**

**MAPs May Recover Double Damages**

The Third and Eleventh Circuit have determined that Medicare Advantage Plans have the same recovery rights as Medicare and can recover double damages from primary payers for failure to reimburse conditional payments. A proactive and aggressive approach to resolving MAP conditional payments in these jurisdictions is highly recommended.