



**Department of
Civil Service**

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**PA20-21
PAEX20-19**

TO: Health Benefits Administrators at Participating Agencies with The Empire Plan and/or the Excelsior Plan
FROM: Employee Benefits Division
SUBJECT: New NYBEAS Tab – Hold Harmless
DATE: October 26, 2020

This memo is to advise you of a new Hold Harmless tab in NYBEAS Update History to indicate when the New York State Health Insurance Program (NYSHIP) is paying primary on an enrollee or dependent who would typically have claims paid as Medicare primary.

When an enrollee or dependent is held harmless this means that claims are paid as NYSHIP primary instead of Medicare primary. Guidance for when someone may be held harmless is documented in Policy Memo 70r3. With the creation of this new tab, EBD will process a transaction in NYBEAS that will then be reflected on the tab and communicated to the NYSHIP vendors to instruct to pay as primary on claims during the time the member is being held harmless. The Hold Harmless transaction will also be visible on the Events tab in NYBEAS Update History. Please see attached instructions on how to read the Hold Harmless tab.

Typically, when someone is considered Medicare primary, your agency will be charged a premium that reflects their favorable Program experience. This is called the MediPrime rate. For enrollees and dependents who are being held harmless as a result of not having Medicare Part B coverage, you will continue to be charged the non-MediPrime rate for that individual until the hold harmless period is over. The Medicare primacy indicator in NYBEAS will not be updated and the individual will not be enrolled in the Empire Plan Medicare Rx prescription drug program until the hold harmless period has ended.

For enrollees and dependents who are enrolled in Medicare Part B only, and are being held harmless for Medicare Part A claims, you will be billed the MediPrime rate, the Medicare primacy indicator will be updated in NYBEAS, and the individual will be enrolled in the Empire Plan Medicare Rx. This is because individuals who are held harmless for Medicare Part A are usually held harmless for Part A claims indefinitely.

For more information on the hold harmless process, please refer to Policy Memo 70r3.

Attachment:
Hold Harmless Tab Instructions