

20-1641 MARIETTA MEMORIAL HOSPITAL V. DAVITA INC.

DECISION BELOW: 978 F.3d 326

LOWER COURT CASE NUMBER: 19-4039

QUESTION PRESENTED:

(1) Congress enacted the Medicare Secondary Payer Act as a means to conserve Medicare resources. Among other things, the Act provides that group health plans may not "take into account" the fact that a plan participant with end stage renal disease is eligible for Medicare benefits. Does a group health plan that provides uniform reimbursement of all dialysis treatments observe that prohibition?

(2) Under the Medicare Secondary Payer Act, a group health plan also may not "differentiate" between individuals with end stage renal disease and others "in the benefits it provides." Does a plan that provides the same dialysis benefits to all plan participants, and reimburses dialysis providers uniformly regardless of whether the patient has end stage renal disease, observe that prohibition?

(3) Is the Medicare Secondary Payer Act a coordination-of-benefits measure designed to protect Medicare, not an antidiscrimination law designed to protect certain providers from alleged disparate impact of uniform treatment?

CERT. GRANTED 11/5/2021