



DATE: October 30, 2023

TO: All Medicare Advantage Organizations

SUBJECT: Camp Lejeune Justice Act

The purpose of this memorandum is to inform Medicare Advantage organizations about a new voluntary settlement framework for claims under the Camp Lejeune Justice Act (CLJA). Congress passed the CLJA on August 10, 2022, to permit individuals to file certain claims related to exposure to contaminants detected in the drinking water at Camp Lejeune from mid-1953 through 1987. On September 6, 2023, the Department of the Navy and the Department of Justice (DOJ) issued a document titled “Public Guidance on Elective Option for Camp Lejeune Justice Act Claims” which establishes a voluntary settlement framework for settlement of certain claims under the CLJA. Claimants may have received Medicare or Medicaid benefits, including benefits under Medicare Advantage, for health care expenses stemming from injuries that may have been linked to Camp Lejeune exposures. Claimants may be contacting your organization to inquire about recovery related to these claims.

The Centers for Medicare & Medicaid Services (CMS) views the CLJA as establishing an exclusive remedy for injuries resulting from Camp Lejeune contaminated water exposures, and therefore has determined that the Medicare fee-for-service program serves as the primary payer of health expenses related to CLJA injuries of Medicare fee-for-service beneficiaries. Consequently, CMS will not recover Medicare fee-for-service benefits from CLJA Elective Option offer payments made to Medicare fee-for-service beneficiaries. In addition, acceptance of an Elective Option offer will not affect the Medicare beneficiary’s Medicare fee-for-service benefits. The Department of the Navy and DOJ updated their guidance to include a reference to this CMS determination on September 15, 2023. Questions related to the Camp Lejeune Justice Act litigation may be directed to the Department of Justice at CampLejeune.PACTAct@usdoj.gov.