

CLAIMANT EDUCATIONAL MATERIALS ON GOVERNMENT MEDICAL LIENS /OBLIGATIONS

I. General Information

The Vioxx Settlement Program includes strict requirements concerning reimbursement claims (“liens”) and obligations related to government healthcare programs, discussed in Section II below. The Settlement Program also establishes certain requirements for private health insurance reimbursement claims, discussed in Section III below. All of these terms must be met before any Enrolling Claimant can become eligible to receive a Settlement Payment. This document outlines important information regarding these requirements.

II. Recipients of Medicare, Medicaid and Other Government Healthcare Programs

If you are a current or past recipient of healthcare provided by a government program with statutory recovery rights (federal Medicare, state Medicaid, the Department of Veterans Affairs (VA), TRICARE, Department of Defense or Indian Health Services), the law as well as the terms of the Settlement Program requires the satisfaction and discharge of those programs’ interest in any Settlement Payment you may be eligible to receive. The Federal Court overseeing this Settlement Program has appointed a Lien Resolution Administrator to establish a formalized process for satisfying and discharging any statutory obligations to Medicare, Medicaid and/or other government healthcare programs for Enrolling Claimants who have been or who currently are entitled to such benefits. The Lien Resolution Administrator is *solely* responsible for satisfying and discharging traditional Medicare (Parts A and B) and Medicaid reimbursement claims/obligations. At this time, there is nothing you need to do other than inform your attorney if you have received notification of a claimed interest or “lien” by Medicare or Medicaid. The Lien Resolution Administrator also will resolve VA, TRICARE, Department of Defense and Indian Health Services liens that are brought to its attention by Enrolling Claimants, their attorneys, or the programs themselves. If you receive benefits under the VA, TRICARE, Department of Defense and Indian Health Services your cooperation is required (See section C below).

A. Federal Medicare Program

With regards to federal Medicare (Parts A and B), the Lien Resolution Administrator will: (i) *verify* the Enrolling Claimants in the Settlement Program who are (or have been) entitled to Medicare and who may have potential Medicare obligations related to Vioxx, and (ii) facilitate a “global” resolution to satisfy and discharge Medicare’s interest for all Medicare-entitled Enrolling Claimants. The Lien Resolution Administrator will work with the Claims Administrator and Special Masters to ensure that the allocation system recognizes the application of the Medicare global resolution in the settlements of those entitled Claimants.

This uniform process meets the obligations required in the Settlement Agreement with Merck, as well as your legal obligation to protect Medicare’s interest in any Settlement Payments. Also, regardless of the extent to which you have relied on your Medicare coverage in the past, this formalized process ensures that no future injury-related care will be denied as a result of your participating in this Vioxx Settlement Program.

B. State Medicaid Programs

With regards to state Medicaid, the Lien Resolution Administrator will verify directly with the Medicaid agency for each state and U.S. territory which Enrolling Claimants currently are or have been Medicaid beneficiaries in each state/territory between the dates of ingestion through the date of settlement. For those Enrolling Claimants verified as Medicaid beneficiaries, the Lien Resolution Administrator will secure claims histories from the appropriate Medicaid agency and audit each claims history to help ensure that only those medical expenses associated with Vioxx-related injuries are included in the final reimbursement or “lien” amount.

If you are a current or past recipient of Medicaid coverage, this formalized process ensures that Medicaid's reimbursement interest for Vioxx-related care has been met. You also can be assured that you will not be denied future Medicaid benefits due to failure to resolve Medicaid's legal right to recovery in this Settlement Program. However, it must be stressed that while this Medicaid lien satisfies Medicaid's reimbursement interest, **you remain responsible for meeting your state's Medicaid income and/or asset requirements in order for your state Medicaid benefits to continue uninterrupted.**

C. Other Government Programs

If you are or were a recipient of healthcare benefits under the VA, TRICARE, Department of Defense or Indian Health Services, the Lien Resolution Administrator also will resolve those government programs' interest on your behalf. However, your receipt of government assistance under these particular programs requires your cooperation, as the Lien Resolution Administrator only will address those interests of which it has been notified. Further, **if you have not yet informed your attorney of your entitlement to these other government healthcare programs or if you received a notice of interest from the VA, TRICARE, Department of Defense or Indian Health Services, notify your attorney immediately.**

III. Employee Healthcare Programs, Private Health Insurance, or Healthcare Coverage Provided from Non-Government Programs.

The Lien Resolution Administrator is only appointed to handle the government healthcare obligations covered in Section II. You may receive health care coverage and/or insurance from a source other than the government programs discussed above in Section II. Such sources may include a health plan provided by your employer, a health insurance policy that you purchased privately, disability insurance, Medigap insurance and a Medicare and/or Medicaid replacement/supplement offered through a private insurance company (as opposed to direct Medicaid coverage and basic Part A or Part B Medicare). You may have a contractual obligation to notify your private healthcare provider or insurer of your claims against Merck and/or your anticipated Settlement Payment. **If this applies to you, notify your attorney. Similarly, if your insurance company, employee health plan, or other health provider has sent you any correspondence about your claims against Merck and/or anticipated Settlement Payment, notify your attorney immediately.**