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## ***MMSEA 111 Update: CMS Announces a New Reporting Option***

The Centers for Medicare & Medicaid Services (CMS) recently posted an Alert notifying liability insurers, self-insureds and workers' compensation plans that another reporting option will be made available for responsible reporting entities (RREs) under Section 111 of the Medicare, Medicaid and SCHIP Act of 2007 (MMSEA 111). CMS advised in its May 25, 2010 Alert that it will provide a direct data entry (DDE) option for "small reporters" to manually enter and submit individual claim reports online in lieu of using the quarterly, electronic, "batch" reporting methods scheduled to take effect on January 1, 2011. During a May 13, 2010 Town Hall teleconference, John Albright of CMS stated that the "direct data entry option [would be] via the secure website that tentatively is scheduled to go live in January...it will be geared toward the small occasional reporter which represents, in our opinion, the majority of RREs registered at this time." He further advised that CMS' goal is to make as much information as possible available "prior to July to give everyone what we consider to be as a courteous six months advanced notice of changes through the process."

According to the Alert, the DDE option is intended for RREs who expect to have only an occasional claim report to make and CMS has, at this time, limited the definition of "small reporters" to RREs with 500 or fewer reported claims per year. The DDE is different from the current reporting processes since: (i) no testing will be required for RREs using the DDE option; (ii) there is no assigned data submission window, instead, RREs must report within 45 days of a settlement, judgment, award or other payment made to a Medicare beneficiary; and (iii) small reporters will not have a separate query function to determine whether an injured party is a Medicare beneficiary, instead, the Coordinator of Benefits Secure Website (COBSW) will make a determination in real-time online whether an injured party is a "non-match." CMS advised that if the reported claim is a non-match, it will still count toward the maximum annual claim limit of 500.

The DDE option is open to all current and new RREs that meet the "small reporter" definition. If an RRE has already registered and would like to change to

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the DDE option, the Account Manager may do so by logging into the COBSW on or after October 4, 2010, and changing the reporting method from “file transmission” to “DDE.” If an entity has not registered, then during the Account Setup step of the registration process “DDE” should be selected.

An RRE already registered to report using the file transmission method should again review its projected MMSEA 111 claims reporting frequency to determine whether it is in the entity’s interest to change to the DDE option. CMS has cautioned that manually keying in all of the data fields will be time consuming and it should also be noted that there may be more margin for error when using the DDE method.