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CMS Delays MMSEA 111 Reporting Responsibilities and Extends De Minimus Reporting Threshold

As you are aware, Section 111 of the Medicare, Medicaid and SCHIP Extension Act of 2007 (MMSEA 111) provides that certain liability insurers (including self-insurers), no-fault insurers and workers' compensation insurers must determine whether a claimant is entitled to Medicare benefits and must report any settlement, judgment, award or other payment involving a Medicare beneficiary to the Secretary of the Department of Health and Human Services. The Centers for Medicare & Medicaid Services (CMS), which is responsible for implementing MMSEA 111, recently announced in an alert that there will be three timeline changes. The most important change is a one year delay in reporting for liability insurers and self-insurers from the first calendar quarter of 2011 to the first calendar quarter of 2012 for Total Payment Obligations to a Claimant (TPOC). Below is a chart showing the MMSEA 111 timeline changes announced in the alert for certain Responsible Reporting Entities (RREs).

Current	Revised
Reporting for all RREs to begin 1/1/11	Reporting for Liability Insurers and Self-Insurers to begin 1/1/12
All RREs must report TPOCs occurring after 10/1/10	Liability Insurers and Self-Insurers must report TPOCs occurring after 10/1/11
<i>De minimus</i> TPOC reporting threshold scheduled to end in 2014 for liability insurers, self insurers and workers compensation plans	<i>De minimus</i> TPOC reporting threshold scheduled to end in 2015 for liability insurers, self insurers and workers compensation plans

The alert further clarified that this announcement does not delay the obligation to report an Ongoing Responsibility for Medicals (ORM) (e.g., payment of medical expenses under workers' compensation plans) and does not change the reporting requirements associated with no-fault insurance or workers' compensation claims.

CMS has advised that it would accept reports submitted by liability insurers and self-insurers before their mandatory insurer reporting is scheduled to begin in 2012, provided that the TPOC amounts are above the interim *de minimus* dollar reporting thresholds. CMS also advised that such early reporting would be "welcomed and encouraged" and that there would be no penalty associated with early submission of liability (including self-insurance) TPOC information. CMS suggested that reporting during 2011 would provide these RREs with an opportunity to refine their reporting processes before the first quarter of 2012.

As listed in the above chart, the CMS alert advised that the interim dollar reporting threshold period set forth in the MMSEA 111 Liability Insurance (including Self-Insurance), No-Fault, and Workers' Compensation User Guide would be extended by one calendar year. Consequently, the TPOC reporting thresholds available for liability insurers, self insurers and workers compensation plans have been adjusted as follows: (i) \$5,000 or less before January 1, 2013 (from January 1, 2012); (ii) \$2,000 or less during 2013 (from 2012); (iii) \$600 or less during 2014 (from 2013); and (iv) no *de minimus* reporting exemption beginning January 1, 2015 and beyond (from January 1, 2014 and beyond).

This CMS alert is available at https://www.cms.gov/MandatoryInsRep/10_MMSEA_111_NGHP_%20Alerts.asp#TopOfPage. Please do not hesitate to contact any member of the Insurance Department should you have any questions related to reporting under MMSEA 111.

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