

MEDICARE INSIGHTS

A PUBLICATION OF KITCH, DRUTCHAS, WAGNER, VALITUTTI & SHERBROOK

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Alert! MEDICARE SECTION 111 REPORTING UPDATES Alert!

In our effort to keep you current regarding developments in the Medicare Section 111 Mandatory Reporting process, we have prepared a brief overview summarizing some of the most recent comments and clarifications CMS has expressed.

CMS Proposes New NGHP User Guide

CMS has indicated that although they had hoped to have an updated NGHP User Guide before the end of the year when testing of reporting processes are to be in full swing, the revised guide will not be complete. As a result of this, CMS advises that all RREs should monitor closely the upcoming "Alerts" as they will contain updates that will be needed as the reporting program moves ahead.

Reporting to Commence in April 2010

The reporting under the MMSEA commences in the second quarter of 2010. RREs should be ready to submit their first set of data to CMS on claims during their assigned seven day reporting period during that quarter. Testing of the reporting process for each RRE is to commence January 1, 2010.

Registration for Foreign RREs Delayed

CMS has advised that they are still working on a registration method for foreign RREs since most would not have TINs and may have unique addresses that do not fit the parameters of the registration forms as presently configured. A new online form will likely require RREs to enter a "pseudo-TIN" and will have a free text entry for the address information. It is anticipated by CMS that the registration form will be available for registrations by foreign RREs by April of 2010. As a result there will be a

reporting extension provided for the affected RREs.

ICD-9 Code Usage

The last three revisions of the ICD-9 Codes will be accepted for the reporting of diagnoses and causation fields in the data elements to be reported. Use of these codes is being phased in and is not immediately required, but will be in the near future. Be aware that ICD-10 codes will be implemented for use in 2013!

Product Liability Field Revisions Delayed

As noted in our last edition of Medicare Insights, what had been the product liability fields in the data elements was to be changed to a format limited to mass tort liability matters (fields 58 – 62). Due to delays in testing of the functionality of the fields reporting requirements for these types of claims using these fields may be delayed further. Watch for CMS Alerts.

Subsidiary Information Now Optional

CMS has indicated that when registering the section for inclusion of subsidiary info is optional. Registration will not be rejected for the absence of such information and RREs will be considered in compliance in the absence of including this information.

Sole Proprietors to Register SS#

Many sole proprietors do not have independent Tax Identification Numbers

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(TIN) to insert when asked for in the registration process. In this case, CMS has advised to enter the owner's social security number and when the response comes back indicating a compliance flag error, the RRE should contact the EDI representative to clarify the absence of a TIN at which time the SS# will be accepted.

as if they were never received. This means that when they are resubmitted in the next quarter, a compliance flag will likely be received indicating they are late. There was no indication that this would trigger any type of penalty but that the compliance flags will be monitored for any continuing problem.

Reporting Impact on MSP

Regardless of whether the parties have put the Medicare Secondary Payer Recovery Contractor (MSPRC) on notice of the claim or even may have reimbursed the MSPRC or set up future MSA coverage of medical expenses, reporting under the MMSEA is still required! CMS clarified that the MMSEA information will be compared to the MSPRC information and if there are any difference, the Medicare beneficiary and the beneficiary's attorney will be contacted to clarify the issues. There was no indication the RRE would be contacted.

Coordinating Reporting Dates for Multiple RREs

There is no means at present by which to coordinate and adjust reporting dates among several RREs within the same organization. CMS did indicate that such a request can be submitted to the EDI representative but would not commit to any assistance being given. (Perhaps the indication to submit to the EDI rep is an indication there is some limited ability to adjust the dates but CMS does not desire to make it a common practice and thus avoid inundation with too many reports in any given reporting period).

No Data to Report in a Quarter

We have been assured there will be a function selection on the COBSW to select if there is nothing to report by an RRE in any given reporting quarter. The function should be available by April 2010. This will replace the submission of a report with all empty fields.

Lack of Data Element Information

CMS has recognized the problem of an RRE not having all the information for all the data elements at the time reporting is due and indicates only that CMS "appreciates" the situation, but offers no outlet. Our suggestion in general is do not finalize the obligation to settle or pay until all the information necessary to report has been obtained.

Rejected Report Treatment

CMS has indicated that any reports that are rejected for any errors in filing will be treated

Closing Note

While we are hopeful this information is of use, it does not substitute for legal advice. We remain positioned to work with you toward your ultimate compliance.

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