



Office of Financial Management/Financial Services Group

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November 09, 2010

Medicare Secondary Payer Mandatory Reporting Provisions in  
Section 111 of the Medicare, Medicaid, and SCHIP Extension Act of 2007  
(See 42 U.S.C. 1395y(b)(7)&(b)(8))

**ALERT**

- I. Revised Implementation Timeline for TPOC Liability Insurance (Including Self-Insurance) Settlements, Judgments, Awards or Other Payments**
  
- II. Extension of Current Dollar Thresholds for Liability Insurance (Including Self-Insurance) and Workers' Compensation**

I. Revised Implementation Timeline for TPOC Liability Insurance (Including Self-Insurance) Settlements, Judgments, Awards or Other Payments

The required submission of liability insurance (including self-insurance) initial claim reports has been changed from the first calendar quarter of 2011 to the first calendar quarter of 2012 for all liability insurance (including self-insurance) TPOC amounts with no ORM involvement. Liability insurance (including self-insurance) ORM reporting is not subject to this delay.

Liability insurance (including self-insurance) TPOCs must be reported if the TPOC Date is on or after 10/1/2011.

- The current rule requiring reporting of NGHP TPOC Dates of 10/1/2010 has been changed to 10/1/2011 but **only** for liability insurance (including self-insurance) TPOCs.
- The reporting date requirements for TPOC Dates of 10/1/2010 and subsequent associated with no-fault insurance or workers' compensation claims remain unchanged.
- The reporting date requirements as documented in the User Guide for all NGHP ORM remain unchanged.
- Initial Claim Input Files for reportable claims are still due during the RRE's assigned file submission timeframe for the first calendar quarter of 2011. RREs that have reportable claims must commence production reporting in first calendar quarter 2011 and then include liability insurance (including self-insurance) TPOC reporting in the first calendar quarter of 2012 for TPOC Dates of 10/1/2011 and subsequent.

Regardless of this delay, an RRE who wishes to report liability insurance (including self-insurance) TPOC information may do so during their assigned file submission timeframe for any quarter prior to the first required submission in the first calendar quarter of 2012.

- Liability insurance (including self-insurance) TPOCs with TPOC Dates prior to 10/1/2011 will continue to be accepted on production files submitted prior to 2012 as long as the claim report meets the TPOC reporting thresholds defined below.
- CMS recognizes that many RREs are prepared to commence or continue production reporting of liability insurance (including self-insurance) TPOCs with dates prior to 10/1/2011. Early reporting is welcomed and encouraged. There will be no penalty associated with the early submission of liability (including self-insurance) TPOC information. In fact, early reporting of this TPOC information can work to the RRE's advantage since it will provide the RRE with an opportunity to refine its production reporting process prior to the required reporting date.

## II. Extension of Current Dollar Thresholds for Liability Insurance (Including Self-Insurance) and Workers' Compensation

The interim dollar reporting thresholds set forth in Section 11.4 of version 3.1 of the MMSEA 111 Liability Insurance (Including Self-Insurance), No-Fault, and Workers' Compensation User Guide have all been extended by one calendar year.

Under Section 11.4, "**Workers' Compensation ORM**", the date 12/31/2011 is changed to 12/31/2012.

Under Section 11.4, "**Liability Insurance and Workers' Compensation TPOC Amounts**", the last four bullets are revised to read:

- Claim reports where the last (most recent) TPOC Date is **prior to January 1, 2013** with TPOC Amounts totaling \$0.00 - **\$5,000.00**, are exempt from reporting. Initial claim reports (add records) with no ORM (ORM Indicator = 'N') where the most recent TPOC Date is prior to January 1, 2013 with a total TPOC amount less than or equal to \$5000.00 will be rejected.
- Claim reports where the last (most recent) TPOC Date is **January 1, 2013 through December 31, 2013** with TPOC Amounts totaling \$0.00 - **\$2000.00**, are exempt from reporting. Initial claim reports (add records) with no ORM (ORM Indicator = 'N') where the most recent TPOC Date is prior to January 1, 2014 with a total TPOC amount less than or equal to \$2000.00 will be rejected.
- Claim reports where the last (most recent) TPOC Date is **January 1, 2014 through December 31, 2014**, with TPOC Amounts totaling \$0.00 - **\$600.00** are exempt from reporting. Initial claim reports (add records) with no ORM (ORM Indicator = 'N') where the most recent TPOC Date is prior to January 1, 2015 with a total TPOC amount less than or equal to \$600.00 will be rejected.
- No threshold applies to claims where the last (most recent) TPOC Date is **January 1, 2015** and subsequent.

The content of this ALERT supersedes the content of the existing User Guide (Version 3.1) and will be incorporated into the next version of the User Guide.