

## **BCBSFL Q&A and CMS links for additional information**

*New Medicare Secondary Payer (MSP) mandatory reporting requirements for group health plan (GHP) arrangements – effective 1-1-09*

*Section 111 of the Medicare, Medicaid, and SCHIP Extension Act of 2007*

BCBSFL will collect any missing employee/dependent data (ie SSN) during the renewal process according to the Agent Support Unit. Employers should be sure that any application submitted to BCBS has the SSN noted for each employee and dependent enrolling.

Helpful information can be found on CMS website and links specific to this change are below.

Overview section – website link:

[http://www.cms.hhs.gov/MandatoryInsRep/01\\_Overview.asp#TopOfPage](http://www.cms.hhs.gov/MandatoryInsRep/01_Overview.asp#TopOfPage)

GHP (Group Health Plan) section – website link:

[http://www.cms.hhs.gov/MandatoryInsRep/02\\_GHP.asp#TopOfPage](http://www.cms.hhs.gov/MandatoryInsRep/02_GHP.asp#TopOfPage)

## What is MMSEA Section 111?

Section 111 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (MMSEA) (P.L. 110-173), adds new Medicare Secondary Payer (MSP) mandatory reporting requirements for group health plan (GHP) arrangements at 42 U.S.C. 1395y(b)(7) and for liability insurance (including self-insurance), no-fault insurance, and workers' compensation (sometimes collectively referred to as Non-Group Health Plan, Non-GHP or NGHP) at 42 U.S.C. 1395y(b)(8).

The entities responsible for complying with the reporting requirements for Section 111 are referred to as Responsible Reporting Entities (RRE). This document provides information on the file layouts that will be used by RREs for complying with the reporting requirements at 42 U.S.C. 1395y(b)(8) for liability insurance (including self-insurance), no-fault insurance, and workers' compensation. You must use the applicable statutory language *in conjunction with* "Attachment A – Definitions and Reporting Responsibilities" to the Supporting Statement for the Paperwork Reduction Act (PRA) Notice published in the Federal Register. See Appendix A, in order to determine if you are an RRE for purposes of these new provisions. The statutory language, the PRA Notice and the PRA Supporting Statement with Attachments are all available as downloads at [www.cms.hhs.gov/MandatoryInsRep](http://www.cms.hhs.gov/MandatoryInsRep). "Attachment A" to the Supporting Statement provides details on definitions and exactly which entities must report.

Complete instructions and requirements will be published at a later date in the MMSEA Section 111 Liability Insurance (Including Self-Insurance), No-Fault Insurance, and Workers' Compensation User Guide, and this user guide will be available as a download on the dedicated Section 111 Web page at [www.cms.hhs.gov/MandatoryInsRep](http://www.cms.hhs.gov/MandatoryInsRep) when completed. RREs are encouraged to visit this site often for updates on Section 111 reporting requirements.

The purpose of the Section 111 MSP reporting process is to enable CMS to pay correctly for Medicare covered items and services furnished to Medicare beneficiaries by determining primary versus secondary payer responsibility. Section 111 requires RREs to submit information specified by the Secretary in a form and manner (including frequency) specified by the Secretary. The Secretary requires data for both Medicare claims processing and for MSP recovery actions, where applicable. RREs will submit information electronically on liability insurance (including self-insurance), no-fault insurance, and workers' compensation claims where the injured party is a Medicare beneficiary. The actual data submission process will take place between the RREs and the CMS Coordination of Benefits Contractor (the COBC). The COBC will manage the technical aspects of the Section 111 data submission process for all Section 111 RREs.

Note: For purposes of RRE submissions, the term "claim" is used to refer to the overall claim for liability insurance (including self-insurance), no-fault insurance or workers' compensation rather than a single claim for a particular medical item or service.

**When did it become effective?** January 1, 2009

## What are the implications of MMSEA Section 111 to my groups?

We are asking for our groups' support in submitting the following data to maintain compliance with CMS:

### Employer Related Data Elements

- Group Tax ID Number/Employer Identification Number - BCBSF requires this data element today when processing new and renewing groups via paper or utilization of our eTools.
- Employer Size – The total number of employees must be reported in order to determine primacy. This is the total number of employees, not the number of enrolled or eligible employees, and must include the total number of employees for an employer that is part of a multiple/multi-employer group health plan. BCBSF requires this data element today when processing new and renewing groups via paper or utilization of our eTools.
- Small Employer Exceptions (SEE) – Group must advise BCBSF which employees have been granted approval from CMS to receive exceptions from Medicare Secondary Payer (MSP) processing.

## **Employee Related Data Elements**

- Valid Social Security Number (SSN) for all members, including dependents six months of age and older.
- Subscriber and Covered Dependent Status
  - Working Aged – Employees or dependents that are age 65 or older and working
  - Retired
  - Disabled – Employees or dependents less than age 65 with certain disabilities
  - ESRD Afflicted – Employees or dependents suffering from End-Stage Renal Disease (permanent kidney failure)
- Health Insurance Claim Number (HICN) – BCBSF will extract this data and provide to CMS.
- Domestic Partner Status – Since Medicare Secondary Payer rules applicable to spouses are not applicable to domestic partners, civil union partners or same sex spouses; Medicare is primary for these individuals, even if a state recognizes civil unions or same sex spouses.

## **Who can I contact if I need additional information?**

Please refer to the CMS Website <http://www.cms.hhs.gov/MandatoryInsRep> for further details regarding this information. Please be advised that BCBSF is working on more detailed information that will be submitted to the group on processing procedures for submission.