

## Update Bulletin: CMS Mandatory Reporting Requirements for Insurers and Self-Insurers

February 22, 2010

This bulletin provides OHAIS insureds with an update regarding the CMS Mandatory Reporting Requirements for Insurers and Self-Insurers required by Section 111 of the Medicare, Medicaid, and SCHIP Extension Act of 2007.

### What:

New CMS mandatory reporting requirements have been established for insurers and self-insurers of all types of liability coverage.

An organization becomes a **Responsible Reporting Entity (RRE)** when payments are made, claims are settled, or judgments rendered to a Medicare beneficiary.

**If an organization pays any portion of a liability claim directly, or through a third-party administrator, the organization becomes an RRE and must register and report as an RRE. January 1, 2010 is the implementation date but the “date of first production” has been changed from April 1, 2010 to January 1, 2011.**

**Provider “write-offs” or other types of goodwill gestures on behalf of Medicare beneficiaries may qualify as reportable payments.** As of the date of this bulletin, CMS is still reviewing this and many other issues.

CMS has established a reporting threshold of \$5,000 for 2010. Reporting is not required for payments at or below this amount. This threshold level will be adjusted by CMS at their discretion.

An RRE can arrange with an outside contractor to act as its “Agent” but the RRE retains accountability for the reporting. RREs are subject to a civil penalty of \$1,000 per day per claimant for failing to comply with these regulations.

### How will it affect OHAIS insureds:

**When a claim payment is made by OHAIS on behalf of an insured, OHAIS becomes the RRE.** We will be asking for cooperation in obtaining the information needed from claimants to comply with the reporting requirements.

### Registration as an RRE:

**If a hospital determines it fits the definition of an RRE, the hospital should register with CMS through a secure website. No third party agent can handle this registration for an RRE.** The original registration period was May 1, 2009 to September 30, 2009. There is the opportunity for ongoing registration for entities that did not expect to become an RRE.

### Further Information:

Registration information, general information and a User Guide for RREs are available on the CMS Web site: <http://www.cms.hhs.gov/mandatoryinsrep/>

If you have questions regarding the material covered in this OHAIS Bulletin, please contact Ron Wade, OHAIS Executive Vice President, at [rwade@ohainsurance.com](mailto:rwade@ohainsurance.com) or at 614-255-4823.