



Government Affairs Alert

November 19, 2010

CMS Issues Alerts Regarding MMSEA Section 111 Reporting Timeframes, Date of Incident Pertaining to Cumulative Injuries and Direct Data Entry

The Centers for Medicare and Medicaid Services (CMS) issued four recent Alerts providing additional information pertaining to Non-Group Health Plans (NGHP) classified as Responsible Reporting Entities (RREs) under Section 111 of the Medicare, Medicaid and SCHIP Extension Act (MMSEA).

Alert 1 – Information about Reporting Timeframes

On October 14, 2010, CMS issued an Alert providing guidance on timeliness of reporting, confirming that NGHP Total Payment Obligations to the Claimant (TPOC) settlements, judgments, awards, or other payments are reportable once the following criteria are met:

- The alleged injured/harmed individual to or on whose behalf payment will be made has been identified.
- The TPOC amount for that individual has been identified.

Where these criteria are not met as of the TPOC date, the RRE should retain documentation establishing when these criteria are met.

For example, if a settlement involves a defective drug and provides a process for subsequently determining who will be paid and how much, the timeliness of Section 111 reporting for a particular Medicare beneficiary will be based upon the date it is determined that payment will be made to or on behalf of the beneficiary and the amount of the settlement, judgment, award or other payment.

CMS will implement a system change to prevent erroneous late compliance flags in this situation, and RREs should ignore erroneous late compliance flags received in this situation until the correction can be made. Contents of this Alert will be incorporated in a future revision to the User Guide.

To view a copy of this CMS Alert [click here](#).



Alert 2 – Information about CMS Requirements for Date of Incident (DOI) for Cumulative Trauma Injuries

On October 14, 2010, CMS issued an Alert providing guidance in determining DOI as it relates to cumulative trauma injuries. For Section 111 reporting purposes, CMS DOI for a cumulative injury is the earlier of:

- Date treatment for any manifestation of the cumulative injury began when such treatment preceded formal diagnosis
- First date formal diagnosis was made by any medical practitioner.

To view a copy of this CMS Alert [click here](#).

Alerts 3 and 4 – Revised Alerts regarding Direct Data Entry (DDE) Option

On November 5, 2010, CMS issued two revised Alerts confirming that reporting via the DDE option begins **January 10, 2011** rather than January 3, 2011 as originally indicated.

To view a copy of the revised Alert regarding DDE Reporting Option [click here](#).

To view a copy of the revised Alert pertaining to DDE Registration Information [click here](#).

PMSI Client Support

PMSI is committed to bringing our clients the most current information on MMSEA reporting requirements and offers a complete preparation and compliance program. PMSI will continue to provide guidance as new information is issued by CMS, but RREs may also obtain additional information by attending CMS bi-monthly teleconferences. To access the most recent CMS teleconference schedule [click here](#).

Additional information regarding reporting requirements can be obtained on the MMSEA Section 111 dedicated website at <http://www.cms.gov/MandatoryInsRep/>.

For more information on Medicare Secondary Payer related Government Affairs Alerts, please contact your PMSI Representative, call us at 888.MSA.PMSI or visit the [Knowledge Center](#) section of our website at www.pmsionline.com.

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