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MMSEA  
REPORTING

# Are You Ready for MMSEA?

## Information and Resource Guide

## Are You Ready for MMSEA?

“Section 111 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (MMSEA Section 111) adds mandatory reporting requirements with respect to Medicare beneficiaries who have coverage under group health plan (GHP) arrangements as well as for Medicare beneficiaries who receive settlements, judgments, awards, or other payment from liability insurance (including self-insurance), no-fault insurance, or workers’ compensation,” according to the MMSEA Section 111 Medicare Secondary Payer Mandatory Reporting User Guide.

Pendulum, LLC ([www.WeArePendulum.com](http://www.WeArePendulum.com)) is a national consulting firm well-known for its extensive risk management services in the healthcare industry. Pendulum Claims offers a Web-based claims processing system that has been customized to manage general and professional healthcare liability claims. Insurance carriers, healthcare providers, third party administrators, and self-insured groups have found Pendulum to be their solution for effectively managing healthcare claims and litigation without incurring significant financial costs for software purchases, personnel resources, and system maintenance.

The system provides a solution to assist you in meeting the mandatory reporting requirements of MMSEA Section 111. Our team attends the Centers for Medicare and Medicaid Services (CMS) Town Hall conferences to stay current with the latest information regarding these reporting requirements. CMS has noted that there will be penalties for non-compliance and recently set extension dates for the Mandatory Reporting Timeline. These extensions allow us time to collect the necessary information to report to CMS on your behalf.

### Revised Implementation Timeline:

May 1–September 30, 2009 .....	Registration
July 1, 2009 .....	Test and Production Query Input Files Accepted
January 1–December 31, 2010 .....	Claim Input File Testing Period
January 1, 2010 .....	Production Claim Input Files Accepted
April 5, 2010 .....	Registration for Foreign Responsible Reporting Entities
January 1–March 31, 2011 .....	Initial Production Claim Input File Submissions Due

Pendulum has already been selected by a healthcare provider and a risk retention group as the *Agent for Responsible Reporting Entities*. If you are interested in learning more about our online claims processing system and our MMSEA reporting capabilities, please contact us at (888) 815-8250 or [ClaimsInfo@WeArePendulum.com](mailto:ClaimsInfo@WeArePendulum.com).

To learn more about the MMSEA Section 111 Medicare Secondary Payer Mandatory Reporting, visit our Web site: [www.WeArePendulum.com](http://www.WeArePendulum.com).

Sincerely,

*Ric Henry*

Richard J. Henry Jr., Fellow, ACHCA  
**President, Pendulum, LLC**

# Why, Who, What, When, How

*The information provided in this section is an overview of the Liability Insurance (Including Self-Insurance), No-Fault Insurance, and Workers' Compensation User Guide. Please refer to the MMESA Section 111 Medicare Secondary Payer Mandatory Reporting User Guide for further information.*

## Why

When an injured party is a Medicare beneficiary and receives items and services furnished by Medicare, if a claim is brought by the injured party and a settlement, judgment, award, or other payment is reached, CMS requires the Responsible Reporting Entity (RRE) to report the settlement, judgment, award, or other payment so it can recover Medicare funds expended to provide healthcare treatment for the injury.

## Who

CMS guidelines explain that in the case of a deductible, the insurer is the RRE and is responsible for reporting the deductible and the amount in excess of the deductible. In the case of self-insurance, entities may join to create a self-insurance pool. However, all three of the following criteria must be met to qualify as a self-insurance pool:

1. The self-insurance pool is a separate legal entity;
2. The self-insurance pool has full responsibility to resolve and pay claims using pool funds; and
3. The self-insurance pool resolves and pays claims without review or approval authority by the participating self-insured entity.

Per the CMS definition of Third Party Administrators (TPAs), TPAs are not RREs but may be selected as a reporting agent. Other considerations must be given for different types of policies. See the MMSEA User Guide and Alerts for scenarios of different types of policies.

## What

RREs must report all claims in which the injured party is/was a Medicare beneficiary and a Total Payment Obligation to the Claimant (TPOC) settlement, judgment, award, or other payment was made on or after October 1, 2010.

RREs must report all claims in which ongoing responsibility for medicals (ORM) was assumed on or after January 1, 2010.

See the MMSEA User Guide for thresholds, exemptions for reporting claims with TPOC or ORM.

## When

RREs are to report once there has been a settlement, judgment, award, or other payment and/or after ORM has been assumed. The RRE's Claim Input file must be submitted on a quarterly basis during the assigned submission timeframe. For example, if an RRE is assigned to Group 11, they must report between the 15th and the 21st of the third month of each quarter of the calendar year.

### Quarterly Claim Input File Submission Timeframes

Dates	1st Month	2nd Month	3rd Month
01 – 07	Group 1	Group 5	Group 9
08 – 14	Group 2	Group 6	Group 10
15 – 21	Group 3	Group 7	Group 11
22 – 28	Group 4	Group 8	Group 12

## How

The RRE will complete registration on the Coordination of Benefits Secure Web site (COBSW) and may elect an Agent to report to CMS on their behalf. There are three methods available to report to CMS: Connect:Direct, SFTP, or HTTPS. Pendulum has the reporting capabilities to report through HTTPS on behalf of the RRE during their assigned quarterly submission timeframe.

# MMSEA Section 111 Reporting Solution

## Set-up

- Complete the Account Setup on the COBSW
- Build the organization structure, including the policy set-up
- Create an RRE account within the claims processing system
- Provide RRE/User access to the Gateway Page

## Claim Entry

- The RRE will provide the claim information through the Pendulum Claims Gateway page. Pendulum claims staff will then compile the required claim information to report to CMS in the required file format

## Medicare Claim Processing

- Validation Processing—review of the report that provides a list of all claims that are determined to be eligible to report and any errors on these claims
- Claim Reporting to CMS—includes gathering the claim data and reporting it through the COBSW in the required file format. The CMS response and report history will also be reviewed for disposition, compliance, and/or error codes that result in a rejected claim

# Important Links

## CMS User Guide

[MMSEA 111 - July 12, 2010 - Revised - User Guide - Liability Insurance \(Including Self-Insurance\), No-Fault Insurance, and Workers' Compensation User Guide, Version 3.1 \[PDF 1.85MB\]](#)

## CMS Alerts

February, 23, 2009

### **Introduction to Section 111 MMSEA**

<http://www.cms.hhs.gov/MandatoryInsRep/Downloads/RevisedSection111022309.pdf>

April 10, 2009

### **ALERT for Opportunity To Comment**

[Revised April 10, 2009 - \(June 15, 2008\) -MMSEA111 - Opportunity To Comment on CMS' Plans For Implementing Section 111 \(PDF 36.2KB\)](#)

July 17, 2009

### **ALERT – Authorized Representative and Account Manager Determination**

<http://www.cms.hhs.gov/MandatoryInsRep/Downloads/AlertAuthRepAcctMgrDetermination.pdf>

August 24, 2009

### **ALERT – Compliance Guidance – Obtaining HICNs and/or SSNs**

<http://www.cms.hhs.gov/MandatoryInsRep/Downloads/ALERTComplianceHICNSSNsNGHP082409.pdf>

August 24, 2009

### **ALERT – HICN, SSN Collection – Model Language**

<http://www.cms.hhs.gov/MandatoryInsRep/Downloads/NGHHICNSSNNGHPForm.pdf>

August 24, 2009

### **ALERT – Account Manager and Account Designees**

<https://www.cms.gov/MandatoryInsRep/Downloads/AccountDesigneeAlert2.pdf>

September 24, 2009

### **ALERT – HIPAA Guidelines**

<http://www.cms.hhs.gov/MandatoryInsRep/Downloads/NGHPInterfaceSpecVersion2.1.pdf>

February 24, 2010

### **ALERT – NGHP RRE Compliance**

[MMSEA 111 – February 24, 2010 – Alert - NGHP RRE Compliance \[PDF 41KB\]](#)

March 29, 2010

### **ALERT – Revised Implementation Timeline**

[MMSEA111 - Revised Implementation Timeline - March 29, 2010 \[PDF 59KB\]](#)

March 29, 2010

### **ALERT – Quick Reference Guide for RRE Registration**

[MMSEA 111 - Revised - March 29, 2010 - Quick Reference Guide for Section 111 Registration For All Responsible Reporting Entities \[PDF 246KB\]](#)

June 14, 2010

### **ALERT –RRE ID Accountability and Other Registration Information**

[MMSEA 111 – June 14, 2010 – Alert - RRE ID Accountability and Other Registration Information \[PDF 55.53KB\]](#)

August 12, 2010

**ALERT – Notice of Agenda for Remaining 2010 Teleconferences**

[MMSEA 111 - Revised - August 12, 2010 - NGHP - Notice and Agenda For 2010 Teleconferences\[PDF 40.47KB\]](#)

September 16, 2010

**ALERT – DDE Registration Information**

[MMSEA 111 - Alert - September 16, 2010 - Direct Data Entry \(DDE\) Registration Information for Liability Insurance \(Including Self-Insurance\), No-Fault Insurance, and Workers' Compensation \[PDF 49.11KB\]](#)

## Computer-Based Training (CBT)

[http://www.cms.hhs.gov/MandatoryInsRep/05\\_Computer\\_Based\\_Training.asp#TopOfPage](http://www.cms.hhs.gov/MandatoryInsRep/05_Computer_Based_Training.asp#TopOfPage)

### Non-Group Health Plan Curriculum

<http://www1.cms.gov/MandatoryInsRep/Downloads/NGHPCBT070710.pdf>

### **CBT for Section 111 Reporting – Liability Insurance (including Self-Insurance), No-Fault Insurance, or Workers' Compensation (sometimes collectively referred to as Non-Group Health Plan, or NGHP) Information:**

If you are an RRE for liability insurance (including self-insurance), no-fault insurance, or workers' compensation, you may register for the NGHP CBT courses by sending an e-mail to [Section111CBT@EHMedicare.com](mailto:Section111CBT@EHMedicare.com). Specify that you are requesting the NGHP curriculum and include your company name and the name, phone number (formatted: ###-###-####) and e-mail address for the individual(s) you would like to register. Once the COBC has processed your company's request, an e-mail notification will be sent to each individual containing the URL for the curriculum. If you do not receive an e-mail notification within two business days of your request, you may contact the COBC's EDI Department at 646-458-6740.

# Learn More

**To learn more about Pendulum MMSEA Reporting, please contact:**

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# Acronyms

<b>CMS</b>	Centers for Medicare and Medicaid Services
<b>COBC</b>	Coordination of Benefits Contractor
<b>COBSW</b>	Coordination of Benefits Secure Web site
<b>DBA</b>	Doing Business As...
<b>DCN</b>	Document Control Number
<b>DOB</b>	Date of Birth
<b>DOI</b>	Date of Incident
<b>EDI Rep</b>	Electronic Data Interchange Representative
<b>EIN (FEIN)</b>	Employer Identification Number (Federal EIN)
<b>ESRD</b>	End Stage Renal Disease
<b>HEW</b>	HIPAA Eligibility Wrapper Software
<b>HIPAA</b>	Health Insurance Portability and Accountability Act of 1996
<b>HICN</b>	Health Insurance Claim Number
<b>HTTPS</b>	Hypertext Transfer Protocol over Secure Socket Layer
<b>ICD-9-CM</b>	International Classification of Diseases, Ninth Revision, Clinical Modification
<b>MBD</b>	Medicare Beneficiary Database
<b>MMSEA</b>	Medicare, Medicaid, and SCHIP Extension Act of 2007
<b>MSP</b>	Medicare Secondary Payer
<b>NAIC</b>	National Association of Insurance Commissioners Code
<b>NGHP</b>	Non Group Health Plan or Liability Insurance (including Self Insurance), No-Fault Insurance and Workers' Compensation
<b>Non-MSP</b>	Non-Medicare Secondary Payer
<b>ORM</b>	Ongoing Responsibility for Medicals
<b>PIN</b>	Personal Identification Number
<b>PRA</b>	Paperwork Reduction Act
<b>RRE ID</b>	Responsible Reporting Entity Identification Number or Section 111 Reporter ID
<b>RREs</b>	Responsible Reporting Entities
<b>SCHIP</b>	State Children's Health Insurance Program
<b>SSN</b>	Social Security Number
<b>URL</b>	Uniform Resource Locator (Web site address)
<b>TIN</b>	Tax Identification Number
<b>TPA</b>	Third Party Administrator
<b>TPOC</b>	Total Payment Obligation to Claimant