

Section 111 Bulletin: December 8, 2009

Section 111 Teleconference Summary

December 9, 2009

In the December 8th Non-Group Health Plan (NGHP) Town Hall Teleconference, the Centers for Medicare & Medicaid Services (CMS) focused on technical aspects of registration and reporting by Responsible Reporting Entities (RREs) under Section 111 of the Medicare, Medicaid, and SCHIP Extension Act of 2007. CMS also addressed several important non-technical or policy issues for domestic and foreign RREs and announced delays in the release of certain anticipated guidance:

- **Updated User Guide:** CMS will not release the updated Section 111 NGHP User Guide before the end of 2009 as previously announced. CMS will instead start issuing Alerts as new information becomes available and directives are finalized. There will be no change in the NGHP testing and production schedule; reporting will begin in the second quarter of 2010. For those entities that have not yet registered, CMS still advises they leave three full months for testing following registration.
- **"Foreign Insurer" Registration:** CMS has decided to allow non-U.S. insurers without Taxpayer Identification Numbers (TINs) to use "fake" TINs to register as RREs and then report under Section 111, and the agency will establish new fields to accommodate non-U.S. addresses. The overseas insurer registration process will not recommence until April 2010, so overseas RREs will not be required to register or test their file submissions until that time; thereafter, there will be an extended time period before they must begin reporting claims data. The agency will publish further information relating to this timeframe and the registration process on the CMS Section 111

Authors

Kathryn Bucher
Partner
202.719.7530
kbucher@wiley.law

Practice Areas

Health Care
Insurance
Section 111 Insurer Reporting and MSP
Reimbursement

website as it becomes available.

- **Product Liability:** CMS will not complete its revision of the product liability fields (fields 58 through 62) in the Claim Input File Layout by January 1, 2010 as it originally anticipated, so CMS will not require testing of product liability claims transmission to begin until a later date. Whether CMS will assign a post-second quarter 2010 reporting date to entities with product liability claims to ensure they have three months to test their file transmissions is not known. CMS only advised that it will issue further information with respect to testing and reporting dates.
- **Subsidiary Information:** RREs are no longer required to submit information about their subsidiaries when they register. Provision of this information is now optional.

CMS will hold an NGHP teleconference focused on policy issues next week, in which it may offer more information on these items.

Our Section 111 Team routinely covers the Section 111 teleconferences typically held twice a month by CMS, and we send timely detailed summaries of teleconference highlights to our clients. We also maintain a searchable electronic database of the transcripts back to October 2008. Please let us know if you would like more information about any of the topics discussed in yesterday's call. You may also access our Section 111 webpage by clicking [here](#).