



Office of Financial Management/Financial Services Group

December 20, 2011

Implementation of Medicare Secondary Payer Mandatory Reporting Provisions in Section 111 of the Medicare, Medicaid, and SCHIP Extension Act (MMSEA) of 2007
(See 42 U.S.C. 1395y(b)(7) & (8))

ALERT: Information on the Submission of Third Party Administration (TPA) Information for Liability Insurance (Including Self-Insurance), No-Fault Insurance, and Workers' Compensation Responsible Reporting Entities (RREs)

This Alert provides updated information about reporting third party administrator (TPA) information under Section 111. This information was finalized after the posting of Version 3.2 of the Section 111 Non-Group Health Plan (NGHP) User Guide dated August 17, 2011 and will be incorporated in the next version of the NGHP User Guide.

Background

Some NGHP RREs use TPAs to perform or assist with claim settlement and Medicare Secondary Payer (MSP) tasks, including those related to responding to Medicare recovery demands. These RREs provide contact information for their TPA, and notice to CMS of the fact that the TPA is representing the RRE with respect to a claim involving a Medicare beneficiary, outside the Section 111 reporting process. Since this information cannot currently be submitted electronically, RREs must submit it manually on the RRE's letterhead to the Medicare Secondary Payer Recovery Contractor (MSPRC). This authorization allows the MSPRC to send recovery-related correspondence directly to the TPA working on behalf of the RRE.

This alert provides a temporary solution for RREs to submit TPA information using the existing Section 111 TIN Reference File fields. Submission of this information via Section 111 will also provide CMS and the MSPRC the necessary notification that the TPA is representing the RRE and eliminate the need for the RRE to submit a separate communication to the MSPRC on the RRE's letterhead to that effect. This is a temporary workaround until such time as specific TPA-related fields can be added to the Section 111 TIN Reference File for this purpose.

Requirements

To submit TPA information on the Section 111 NGHP TIN Reference File and indicate that the TPA is representing the RRE for claims submitted under the same TIN/Office Code combination:

- Submit the RRE's IRS-assigned tax identification number (TIN) in Field 3
- Submit the applicable Office Code/Site ID in Field 4
- Submit the RRE's name in Field 5
- Submit the TPA's address in Fields 6 and 8-11
- Submit the TPA's name in Field 7 prefaced by "C/O" or "ATTN"

- Submit all other TIN Reference File fields as specified in the file layouts in Appendix B of the NGHP User Guide

Submission of TPA information on the TIN Reference File is optional. If an RRE is not using a TPA or an RRE does not wish to direct recovery-related correspondence to their TPA, the RRE should submit its own address on the TIN Reference File.

Submission of TPA information on the TIN Reference File serves as notice to CMS of the fact that the TPA is representing the RRE with respect to a claim involving a Medicare beneficiary. No separate correspondence to the MSPRC is required to authorize the TPA to act on the RRE's behalf.

NOTE: If an RRE submits its TPA's address on the Section 111 NGHP TIN Reference File using this workaround, all correspondence related to a recovery case will only be sent by the MSPRC to the TPA. The RRE will not receive a copy at this time. It is up to the RRE and its TPA to agree on a means of sharing this information with each other as appropriate. The RRE still retains ultimate responsibility for adhering to Section 111 mandatory reporting requirements and all other pertinent MSP regulations.