



Preparing for MMSEA: Frequently Asked Questions

Q. When do the new reporting requirements under SCHIP go into effect?

A. July 1, 2009. Self-insured employers and insurers will be required to report eligible workers' compensation, liability and no-fault claims to the Centers for Medicare & Medicaid Services (CMS) as of April 1, 2010*.

Q. What is considered an "eligible" claim that must be reported to CMS?

A. Any workers' compensation, liability and no-fault claim where the claimant is eligible for or receiving Medicare.

Q. How will I know if a claimant is receiving or eligible for Medicare?

A. If a claimant meets one of the following criteria, he or she is probably receiving Medicare:

- Age 65 or older
- Has end stage renal disease (kidney disease/dialysis patient)
- Has applied for Social Security Disability Insurance (SSDI) or is considering applying
- Has 104 or more weeks of disability
- Is receiving Permanent and Total Disability (PTD) benefits or has declared PTD status

The status of other claimants can be checked with CMS' Entitlement Query Function, which will be available to RREs or their agents once per month on a schedule that will be determined by CMS. You must have claimants' Social Security numbers to use the Entitlement Query Function.

As part of Broadspire's Agent Reporting Solution our preferred vendor will check all claims for Medicare eligibility.

Q. Who is responsible for determining Medicare eligibility and reporting claims to CMS?

A. A Responsible Reporting Entity (RRE) – or its agent – must determine Medicare eligibility and report claims to CMS. For self-insured plans, the employer is the RRE. For fully insured plans, the insurance company is the RRE. For insured plans with deductibles:

- If the employer is funding the losses until the deductible is met, the employer is the RRE
- The RRE then becomes the insurance company if losses are funded from the insurance company's account
- If the losses continue to be funded from the employer's account even after the deductible is met, then the employer remains the RRE

* - Information updated from previous materials on June 3, 2009

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Q. Can someone report claims on behalf of an RRE?

A. Yes. Although the RRE must register with CMS, it can assign an agent to determine Medicare eligibility and report claims.

Q. How do I register as an RRE?

A. CMS is currently developing a Web site for registration. RREs must register between May 1, 2009 and September 30, 2009*.

Q. Can Broadspire register on my behalf or on behalf of my insurance company?

A. No. Broadspire, as a TPA, is not allowed to register RREs.

Q. How long must I report on eligible claims?

A. You must continue reporting on a claim until you are released of its financial responsibility.

Q. What will happen if I don't report claim?

A. The CMS will issue fines of \$1,000 per claim per day for unreported claims.

Q. What information must be reported with claims?

A. CMS has released an extensive list of information – in excess of 150 items – that must be reported with claims, including a number of items that were not previously requested. A complete list is included in the MMSEA Section 111 User Guide, which is available on Broadspire's Web site (www.choosebroadspire.com).

Q. How will I obtain the required information?

A. Broadspire is here to help and offers two solutions for clients who use our systems:

- Our Agent Reporting Solution provides the services of a preferred vendor, who will be responsible for Medicare beneficiary checks and reporting. Broadspire will work directly with the vendor to make sure all required information is reported.
- For clients who choose another agent, Broadspire will assist with supplying all information maintained by Broadspire in the required format.

Clients who use systems other than Broadspire's will be solely responsible for obtaining the required information and meeting all requirements.

Q. Why was this legislation enacted?

A. CMS is protecting itself from paying Medicare benefits for claims that are the financial responsibility of insurance companies or employers with self-insured plans.

* - Information updated from previous materials on June 3, 2009