

## Changes to Medicare reporting in the US

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An article in Gard News 197, *US Law – Medicare reporting and set aside*, provides an overview of recent changes to US Medicare law. However, since the publication of this article, further changes have been made to the regulations and new guidelines for Medicare reporting in the US<sup>1</sup> were published on 22 February 2010 by the Centers for Medicare & Medicaid Services (CMS). These guidelines postpone the effective dates for recording data and reporting to the CMS.<sup>2</sup>

This circular provides information on this latest set of changes.

### Summary of updates to Medicare reporting

The live reporting date has been delayed until the first quarter of 2011. The CMS had initially set a deadline for live reporting in the first quarter of 2010.

Responsible Reporting Entities (RRE's) are now required to report settlements and other payments to Medicare recipients which occur on or after 1 October 2010. This data must be retained and reported in the live report mentioned above during the first quarter of 2011. The CMS had originally set a date of 1 January 2010.

RRE's must report all ongoing responsibility for medical care (which would apply to the obligation for continuing care for seaman and workers compensation cases) that exists as of 1 January 2010. This data must be retained and reported in the live report mentioned above during the first quarter of 2011. Previously the CMS required reporting as of 1 July 2009.

### Recommendations

Failure to act in accordance with CMS reporting requirements can result in penalties of USD 1,000 a day for each failure to comply. Therefore, all members and clients who trade to and from the US are advised to familiarise themselves with the new Medicare requirements.

It is prudent to seek legal advice from a US law firm or Third Party Administrator prior to paying any medical fees/expenses or settlement which involve individuals who are or may become Medicare eligible.

Members are advised to obtain any guidance from CMS with respect to registration with CMS by foreign entities that do not have US federal tax identification numbers or US addresses.

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<sup>1</sup> Center for Medicare & Medicaid Services (February 22, 2010, ver. 3.0), "MMSEA Section 111 Medicare Secondary Payer Mandatory Reporting - Liability Insurance (including Self-Insurance), No-fault Insurance, and workers' Compensation – USER GUIDE".  
<http://www.cms.hhs.gov/MandatoryInsRep/Downloads/NGHPUserGuideV3022210.pdf>.

<sup>2</sup> The postponements described in this circular have made the dates published in Gard News 197 no longer applicable.

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