

# Updates to the Medicare Secondary Payer Statute (MSP)

## New Direct Data Entry Option for Liability Insurance (Including Self-Insurance), No-Fault Insurance and Workers' Compensation

### DEFINITIONS

RRE	Responsible Reporting Entity
DDE	Direct Data Entry
NGHP	Non-Group Health Plan
COBSW	Coordination of Benefits Secure Website
TPOC	Obligation to the Claimant
ORM	Ongoing Responsibility for Medical's

### OVERVIEW OF DDE

The DDE option is available to "Small Reporters" defined as an RRE that will submit **500 or fewer** NGHP claim reports per calendar year. It is intended for RREs who expect to have only an occasional claim report to make. RREs that will have claims to report on a frequent and on-going basis are advised to use the current file submission methods instead of the DDE option to make certain the RREs are able to adhere to the timely reporting requirements.

This option will be found in the Section 111 Coordination of Benefits Secure Website (COBSW) at [www.Section111.cms.hhs.gov](http://www.Section111.cms.hhs.gov). Reporters will manually enter and submit their claim reports on line instead of submitting an electronic file.

The DDE Option takes the place of the current file submission methods such as HTTPS, SFTP or Connect:Direct; however, the same data elements are still required and may take a considerable amount of time to enter.

Small Reporters that use the DDE option have the same responsibility and accountability as any other RRE.

### REPORTING

Small Reporters may begin reporting using the DDE option on **January 3, 2011**.

### WHAT MAKES THE DDE REPORTING OPTION DIFFERENT?

- No testing required for RREs using the DDE option
- No assigned submission window
- Claim data can be submitted one claim report at a time as soon as the conditions related to the claim require reporting under Section 111

- Claim record submissions are required within 45 calendar days of the Total Payment Obligation to the claimant (TPOC) date or within 45 calendar days of assuming Ongoing Responsibility for Medicals (ORM).

Exception: Since retroactive reporting is required for certain ORM (ORM exists at any time prior to 1/1/2010 and continues on or after 1/1/2011) and certain TPOC amounts (TPOC dates from 10/1/2010 through 12/31/1010) an exception will be made for these claims records to be reported outside the 45 calendar day grace period. However, information for these ORMs and TPOCs must be submitted using the first calendar quarter of 2011.

- ORM termination date submissions are required within 45 calendar day of the ORM termination date.
- No separate query function will be available under the DDE option.
- Injured party data will be matched real-time online as it is entered on the COBSW. The application will prompt the user to enter the injured party's information first. The system will attempt to match it to a Medicare beneficiary. If no match is found no further data elements will require at that time. A "no-match" will be like receiving a "51" disposition code back on Claim Response files.
- When an injured party's information does not match to a Medicare beneficiary during the DDE process, it **WILL** count towards the RREs limit of 500 claims per year.

For more information on the MMSEA background and previous updates please see our website at [kpcom.com](http://kpcom.com).

**Disclaimer Statement:**

These materials are produced by Kibble & Prentice for educational purposes only. Certain information contained in these materials is considered proprietary information created by Kibble & Prentice and/or their licensed and appointed insurance carriers. Such information shall not be used in any way, directly or indirectly, detrimental to Kibble & Prentice and/or their affiliates.

Neither Kibble & Prentice nor any of its respective representatives or advisors has made or makes any representation or warranty, expressed or implied, as to the accuracy or completeness of these materials. Neither Kibble & Prentice nor their respective representatives or advisors shall have any liability resulting from the use of these Materials or any errors or omission therein. These materials provide general information for the use of our clients, potential clients, or that of our clients' legal and tax advisors.

*IRS Circular 230 Disclosure:* Kibble & Prentice Holding Co. and its affiliates do not provide tax advice. Accordingly, any discussion of U.S. tax matters contained herein (including any attachments) is not intended or written to be used, and cannot be used, in connection with the promotion, marketing or recommendation by anyone unaffiliated with Kibble & Prentice Holding Co. of any of the matters addressed herein or for the purpose of avoiding U.S. tax-related penalties. Also, the information contained in this document should not be construed as medical or legal advice.

Please contact us if you have any questions regarding the content of this document.

601 Union St  
Suite 1000  
Seattle, WA 98101  
206.441.6300  
[kpcom.com](http://kpcom.com)

700 NE Multnomah  
Suite 1300  
Portland, OR 97232  
503.224.8390  
[usinw.usi.biz](http://usinw.usi.biz)

**Tina M. Winters**  
(206) 508-6074  
[Tina.Winters@kpcom.com](mailto:Tina.Winters@kpcom.com)