



Implementation of Medicare Secondary Payer Mandatory Reporting Provisions

On May 27th CMS posted its Alert on addressing periodic workers' compensation and no-fault payments, updating language in the current User's Guide.

In situations where the applicable workers' compensation or no-fault law or plan requires the RRE to make regularly scheduled periodic payments, pursuant to statute, for an obligation(s) other than medical expenses, to or on behalf of the claimant, the RRE does not report these periodic payments as long as the RRE separately assumes/continues to assume Ongoing Responsibility for Medicals (ORM) and reports this ORM appropriately. Otherwise, such scheduled periodic payments are considered to be part of and are reported as ORM.

For example, if an RRE is making periodic "indemnity only" payments to the injured party to compensate for lost wages related to the underlying workers compensation or no-fault claim, the RRE has implicitly, if not explicitly, assumed ORM. Therefore, the RRE shall report the ORM. The periodic payments to compensate for lost wages are not reported as TPOCs.

The Alert may be found at

<http://www.cms.gov/MandatoryInsRep/Downloads/AlertPeriodicWCPaymentsUpdateNGHP052710.pdf>