

MARKET BULLETIN

REF: Y4375

Title	U.S. Medicare reporting and registration requirements
Purpose	To provide an update on the status of the registration and reporting process for non-US insurers for Section 111 of the Medicare, Medicaid and SCHIP Extension Act of 2007 (MMSEA) for liability insurers.
Type	Event
From	Rosemary Beaver, Head of International Regulatory Affairs
Date	5 th March 2010
Deadline	Ongoing responsibility
Related links	Lloyd's market bulletin Y4277, 12 May 2009 Lloyd's market bulletin Y4279, 13 May 2009 Lloyd's market bulletin Y4306, 10 August 2009 Lloyd's market bulletin Y4328, 6 November 2009 CMS User Guide, version 3.0 (Liability Insurance (Including Self-Insurance), No-Fault Insurance, and Workers' Compensation)

Purpose

To update Managing Agents and Brokers on the current status of the registration and reporting process for non-US insurers and Lloyd's ongoing engagement with the Federal agency responsible for the administration of Medicare, the Centers for Medicare and Medicaid Services (CMS).

To advise Managing Agents and Brokers that CMS has published an updated User Guide, version 3.0.

User Guide

An updated User Guide, version 3.0, (for Liability Insurance (Including Self-Insurance), No-Fault Insurance, and Workers' Compensation) was published by CMS on 22 February 2010. A link to this guide is included below.

[CMS User Guide, version 3.0 \(Liability Insurance \(Including Self-Insurance\), No-Fault Insurance, and Workers' Compensation\)](#)

This User Guide does not address all Lloyd's issues, and therefore Lloyd's will continue to engage with CMS to seek clarity on the questions that arise from the unique structure of the Lloyd's market that have not been addressed in the guidance that CMS has issued to date.

Registration Process

CMS has advised non-US insurers that the technical impediments that have prevented non-US insurers from registering will be resolved by 5 April 2010. CMS has advised that the registration facility for non-US insurers will be available from **5 April 2010**. CMS further advised that non-US insurers should seek to complete the registration process by **30 September 2010**.

In the Market Bulletin Y4328 (dated 6 November 2009), Managing Agents were advised **not** to register and commence reporting with CMS until further advice was provided by Lloyd's. **This remains the position.**

Reporting Dates

CMS has announced that "live" reporting for non-US insurers under Section 111 of the MMSEA will now begin on **1 January 2011** (previously 1 October 2010).

CMS recommends that, post registration, all insurers undertake testing of reporting files for a minimum of one quarter. Therefore, non-US insurers should be ready to commence test reporting on **1 October 2010** (previously 1 July 2010).

Collection of data for reporting purposes

In Market Bulletin Y4328 (dated 6 November 2009), Managing Agents and Brokers were reminded (further to advice provided in Market Bulletin Y4306 dated 17 August 2009) that, regardless of the deferral of the registration and reporting timetable, they should be taking action to ensure the gathering of data on claims that are potentially impacted by the Medicare Secondary Payer legislation, ie: "Ongoing Reporting of Medicals" (ORM) claims payments after 1 July 2009); and "Total Payment Obligation Claimant" (TPOC) claims payments after 1 January 2010).

CMS has now revised the dates from which claims data should be collected, advising that claims data for "Ongoing Reporting of Medicals" (ORM) claims should now be collected for claims payments made after **1 January 2010**; and claims data for "Total Payment Obligation Claimant" (TPOC) claims should now be collected for claims payments made after **1 October 2010**.

The guidance circulated to Managing Agents on 24 September 2009, including advice from Wilson, Elser, Moskowitz, Elderman and Dicker LLP, on the recommended claims investigation and handling procedures for Medicare claimants remains current.

Conclusion

The most recent advice received from CMS for non-US insurers has not addressed all the registration and reporting issues that are particular to the Lloyd's market.

Lloyd's will continue its discussions with CMS and keep Managing Agents updated on developments. Lloyd's will also continue to consult closely with the market to ensure that an appropriate and workable reporting solution can be agreed with CMS.

In the interim, Managing Agents should await further information from Lloyd's before attempting to register and commence reporting with CMS. Managing Agents must, however, ensure that they are gathering the required data on claims (note new dates) that are potentially impacted by the Medicare Secondary Payer legislation, and are implementing the recommended claims investigation and handling procedures for Medicare claimants, as advised in previous Lloyd's market bulletins.

Further Contacts

If you have any queries about this market bulletin, please contact:

Lloyd's International Trading Advice:

Tel: 020 7327 6677

Email: lita@lloyds.com

Or:

Steve Yates

Manager, International Regulatory Affairs

+44 20 7327 5351

stephen.yates@lloyds.com

For questions regarding Lloyd's guidance on claims management and the Lloyd's Medicare Claims Working Group, please contact:

Phil Godwin

Senior Claims Manager, Lloyd's Claims

+44 20 7327 5841

philip.godwin@lloyds.com