



MEMORANDUM

Hays Companies
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Date: November 19, 2009
To: Hays Companies Clients
From: Julia Uehling, Minneapolis Risk Services
Regarding: **11/17/09 Medicaid Non-Group Health Plan SCHIP Update from CMS**

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The Centers for Medicare and Medicaid Services (CMS) conducted a teleconference on Tuesday, November 17, 2009 to provide an update on policy in implementation of Section 111 of the Medicare, Medicaid and SCHIP Extension Act of 2007 regarding the non-group health plan program.

Highlights of the call include:

1. Responsible Reporting Entities (RREs) should not be telling individuals who do not have social security numbers that they are required to provide their SSNs to be reported to meet Section 111 reporting. Since all individuals who are Medicare entitled have HICNs that are based on SSNs, individuals without SSNs should not be entitled to Medicare.
2. CMS policy regarding reporting of clinical trials is still in clearance.
3. CMS policy regarding reporting of hospital write-offs is still in clearance.
4. CMS is developing policy regarding when a foreign-based insurer is obligated to report. For example, if the insurer is in Canada and not soliciting in the United States, then reports may not be required. Details will follow.
5. Mass Tort policy is in the process of being revised based on the discussions in the mass tort group. Fields 58 to 62 will be revised. The new treatment will separate mass torts into two groups. Group 1 will be used for cases involving injection, ingestion and implantation in cases where the exposure was intentional but there were unintended consequences. Tobacco would be an example. Group 2 would be used for the reporting of general exposure in cases such as asbestos and chemical exposure where exposure is through the environment and the injury typically lags the exposure.
6. CMS continues to revise the language used to define RREs, but there is no final language to modify the July 31, 2009 instructions on this issue.

NOTE: THE NOTES ABOVE ARE NOT THE ACTUAL PROVISIONS AND ONLY BRIEF NOTES FROM THE CONFERENCE CALL. PLEASE REFER TO THE CMS WEBSITE, ALERTS AND USER GUIDE AS THEY ARE PUBLISHED.

<http://www.cms.hhs.gov/MandatoryInsRep/>

Please do not hesitate to contact your Hays Companies' representative if additional information or clarification may be helpful.