



Office of Financial Management/Financial Services Group

November 09, 2010

Medicare Secondary Payer Mandatory Reporting Provisions in
Section 111 of the Medicare, Medicaid, and SCHIP Extension Act of 2007
(See 42 U.S.C. 1395y(b)(7)&(b)(8))

ALERT

- I. Revised Implementation Timeline for TPOC Liability Insurance (Including Self-Insurance) Settlements, Judgments, Awards or Other Payments**

- II. Extension of Current Dollar Thresholds for Liability Insurance (Including Self-Insurance) and Workers' Compensation**

I. Revised Implementation Timeline for TPOC Liability Insurance (Including Self-Insurance) Settlements, Judgments, Awards or Other Payments

The required submission of liability insurance (including self-insurance) initial claim reports has been changed from the first calendar quarter of 2011 to the first calendar quarter of 2012 for all liability insurance (including self-insurance) TPOC amounts with no ORM involvement. Liability insurance (including self-insurance) ORM reporting is not subject to this delay.

Liability insurance (including self-insurance) TPOCs must be reported if the TPOC Date is on or after 10/1/2011.

- The current rule requiring reporting of NGHP TPOC Dates of 10/1/2010 has been changed to 10/1/2011 but **only** for liability insurance (including self-insurance) TPOCs.
- The reporting date requirements for TPOC Dates of 10/1/2010 and subsequent associated with no-fault insurance or workers' compensation claims remain unchanged.
- The reporting date requirements as documented in the User Guide for all NGHP ORM remain unchanged.
- Initial Claim Input Files for reportable claims are still due during the RRE's assigned file submission timeframe for the first calendar quarter of 2011. RREs that have reportable claims must commence production reporting in first calendar quarter 2011 and then include liability insurance (including self-insurance) TPOC reporting in the first calendar quarter of 2012 for TPOC Dates of 10/1/2011 and subsequent.

Regardless of this delay, an RRE who wishes to report liability insurance (including self-insurance) TPOC information may do so during their assigned file submission timeframe for any quarter prior to the first required submission in the first calendar quarter of 2012.

- Liability insurance (including self-insurance) TPOCs with TPOC Dates prior to 10/1/2011 will continue to be accepted on production files submitted prior to 2012 as long as the claim report meets the TPOC reporting thresholds defined below.
- CMS recognizes that many RREs are prepared to commence or continue production reporting of liability insurance (including self-insurance) TPOCs with dates prior to 10/1/2011. Early reporting is welcomed and encouraged. There will be no penalty associated with the early submission of liability (including self-insurance) TPOC information. In fact, early reporting of this TPOC information can work to the RRE's advantage since it will provide the RRE with an opportunity to refine its production reporting process prior to the required reporting date.

II. Extension of Current Dollar Thresholds for Liability Insurance (Including Self-Insurance) and Workers' Compensation

The interim dollar reporting thresholds set forth in Section 11.4 of version 3.1 of the MMSEA 111 Liability Insurance (Including Self-Insurance), No-Fault, and Workers' Compensation User Guide have all been extended by one calendar year.

Under Section 11.4, "**Workers' Compensation ORM**", the date 12/31/2011 is changed to 12/31/2012.

Under Section 11.4, "**Liability Insurance and Workers' Compensation TPOC Amounts**", the last four bullets are revised to read:

- Claim reports where the last (most recent) TPOC Date is **prior to January 1, 2013** with TPOC Amounts totaling \$0.00 - **\$5,000.00**, are exempt from reporting. Initial claim reports (add records) with no ORM (ORM Indicator = 'N') where the most recent TPOC Date is prior to January 1, 2013 with a total TPOC amount less than or equal to \$5000.00 will be rejected.
- Claim reports where the last (most recent) TPOC Date is **January 1, 2013 through December 31, 2013** with TPOC Amounts totaling \$0.00 - **\$2000.00**, are exempt from reporting. Initial claim reports (add records) with no ORM (ORM Indicator = 'N') where the most recent TPOC Date is prior to January 1, 2014 with a total TPOC amount less than or equal to \$2000.00 will be rejected.
- Claim reports where the last (most recent) TPOC Date is **January 1, 2014 through December 31, 2014**, with TPOC Amounts totaling \$0.00 - **\$600.00** are exempt from reporting. Initial claim reports (add records) with no ORM (ORM Indicator = 'N') where the most recent TPOC Date is prior to January 1, 2015 with a total TPOC amount less than or equal to \$600.00 will be rejected.
- No threshold applies to claims where the last (most recent) TPOC Date is **January 1, 2015** and subsequent.

The content of this ALERT supersedes the content of the existing User Guide (Version 3.1) and will be incorporated into the next version of the User Guide.

Evangelina Garcia

From: Roy Quintanilha [roy.quintanilha@co.hidalgo.tx.us]
Sent: Thursday, March 15, 2012 2:23 PM
To: 'Martha Salazar'
Cc: 'Evangelina Garcia'; 'Ramon Montalvo'; 'Aida Alvarez'; fred reyna;
rosie.luna@co.hidalgo.tx.us
Subject: FW: Hidalgo County Schip Fees
Attachments: CMSMemoLiability.pdf

Good afternoon Marty,

Can you please review the attachment and determine how it applies to our current contract. The way it is set up is much like the adjustor services. Montalvo secures and pays for the service. Montalvo Ins. then bills the County and we submit a check register to pay the invoice.

Because of these new regulations effective January 1, 2012, Tri-Star will conduct the inquiry for Medicare and Medicaid at a set rate per file. Tri-Star will bill Montalvo Insurance for the service. Once payment is issued, Montalvo Insurance will invoice us for reimbursement. I would like the item placed on the agenda for approval so that we can add this quarterly expense to our check register for payment.

Upon your review, let me know what needs to be done. Thanks.

Roy Quintanilha

Safety Director
Hidalgo Co. Safety Div.
2818 South Hwy 281
Edinburg, Texas 78540
(956) 318-2644
(956) 318-2658

From: Ramon Montalvo [mailto:ramon@montalvoinsurance.com]
Sent: Thursday, March 15, 2012 1:59 PM
To: Roy Quintanilha
Subject: FW: Hidalgo County Schip Fees

Roy, per your request, I'm getting you some back up info on this item(see attached). also, these charges will be billed on a quarterly basis so the first billing for this year will be coming in April. Let me know if you need anything else. Ramon

From: Jimmy Dyer [mailto:Jimmy.Dyer@tristargroup.net]
Sent: Thursday, March 15, 2012 8:46 AM
To: Ramon Montalvo
Subject: RE: Hidalgo County Schip Fees

Ramon,

Here is some additional information regarding SCHIP reporting requirements for Liability. TRISTAR charges a one-time fee of \$7.85 per claim.

Let me know if you have any additional questions.

Jimmy Dyer
Director of Sales
TRISTAR Risk Management

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Mobile: 361-688-0449
Jimmy.Dyer@tristargroup.net

From: Jimmy Dyer [<mailto:Jimmy.Dyer@tristargroup.net>]
Sent: Wednesday, March 07, 2012 1:47 PM
To: Ramon Montalvo
Subject: RE: Hidalgo County Schip Fees

Will do.

Jimmy Dyer
Director of Sales
TRISTAR Risk Management
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Jimmy.Dyer@tristargroup.net

From: Ramon Montalvo [<mailto:ramon@montalvoinsurance.com>]
Sent: Wednesday, March 07, 2012 11:40 AM
To: Jimmy Dyer
Subject: Hidalgo County Schip Fees

J, see below and let me have something as far as "particulars and back up" that Roy is referring to.
Thanks. RM

From: Roy Quintanilha [<mailto:roy.quintanilha@co.hidalgo.tx.us>]
Sent: Monday, March 05, 2012 8:43 AM
To: Ramon Montalvo
Cc: Valde; fred reyna; maida.alvarez@co.hidalgo.tx.us; 'Monica Badillo'
Subject: RE: Question

That's fine, when you get the particulars and back up on the new regulations, please fwd them to me so that I can place this under Mr. Guerra's section on the Agenda in order to inform the court of the new requirements and costs associated with it. This way the court can take action so that the auditors won't have an issue with the paying of the invoices for this item.

Roy Quintanilha
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From: Ramon Montalvo [<mailto:ramon@montalvoinsurance.com>]
Sent: Friday, March 02, 2012 2:35 PM
To: Roy Quintanilha
Cc: delia.hernandez@tristargroup.net; Jimmy Dyer
Subject: RE: Question

Roy, I spoke to Jimmy Dyer about this and he is thinking that Tristar can just bill this to our agency based on a flat monthly charge based on past liability experience. This way, we can pay it and then

charge the county similar to how we are handling the auto appraisal fees. I will be back in touch with you. Ramon

PS: I didn't want to bother you on your day off so thought I would email you vs. call.

From: Roy Quintanilha [<mailto:roy.quintanilha@co.hidalgo.tx.us>]
Sent: Thursday, March 01, 2012 8:26 AM
To: Ramon Montalvo
Cc: 'Sergio Cruz'; maida.alvarez@co.hidalgo.tx.us
Subject: FW: Question

Good morning Mr. Montalvo,

I think I got it straight now but I am going to have to discuss this issue with you. When you have time could you please give me a call.

Roy Quintanilha
Safety Director
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From: Delia Hernandez [<mailto:Delia.Hernandez@tristargroup.net>]
Sent: Wednesday, February 29, 2012 12:09 PM
To: Roy Quintanilha
Subject: RE: Question

Hi Roy,

Thank you for your e-mail.

We are not needing authorization to issue settlement checks, this can continue the way it is. I am referring to the actual Schip fees that is associated with doing the query to Medicare/Medicaid on your behalf. As you know this fee is \$7.85 and my question is, can we pay it off of the file?

Hope this clears things up?

Delia Hernandez
Branch Manager
TRISTAR Risk Management
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Delia.Hernandez@tristargroup.net

From: Roy Quintanilha [<mailto:roy.quintanilha@co.hidalgo.tx.us>]
Sent: Wednesday, February 29, 2012 10:17 AM
To: Delia Hernandez
Cc: David Guerrero; 'Sergio Cruz'; fred reyna; maida.alvarez@co.hidalgo.tx.us; valde.guerra@co.hidalgo.tx.us; 'Ramon

Montalvo'; 'Monica Badillo'; 'Martha Salazar'

Subject: RE: Question

Good morning Delia,

Thank you for your call and explanation on the concern. In meeting with our Budget Officer, there are procedural questions that we have. Unlike the workers comp side, the County has been issuing checks due to concerns raised by our auditors office several years ago, specifically approval by Commissioners Court prior to issuing payment on settlements.

We would like to meet with you on this issue to discuss the new requirements on issuing settlement checks and potential impact to the County. The best days to set up a meeting would be on Wednesday or Thursday of any given work week.

Roy Quintanilha

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From: Delia Hernandez [<mailto:Delia.Hernandez@tristargroup.net>]

Sent: Tuesday, February 28, 2012 9:54 AM

To: roy.quintanilha@co.hidalgo.tx.us

Cc: David Guerrero

Subject: FW: Question

Good Morning Roy,

Hope all is well. I wanted to provide you with some information regarding some federal changes that have taken place. Effective 1/1/12 all settlement, judgment, awards or payments made to or on behalf of a Medical beneficiary will need to be reported to the Secretary of Health and Human Services thru the Centers for Medicare and Medicaid Services.

This affects all liability claims, we must query all liability claims with CMS (Center for Medicare and Medicaid Services) one time for the life of the file in order be compliant with these changes.. There is a fee associated with this in order to have Tristar provide this service to Hidalgo County. Our fee is \$7.85 per file, this is a onetime fee as we will query this w/ CMS for the life of the claim. We are currently doing on the Workers' comp side too as it does affect all lines of insurance.

We understand that you currently issue all checks on the liability side, therefore, we need to get direction from you as to how you would like to handle these. Would you like us to issue these checks? We currently have 4 that are pending (See attached report)

Please feel free to call me to further discuss.

Thank you,