

## CMS RELEASES *REGISTRATION PROCESS* INSTRUCTIONS FOR ELECTRONIC REPORTING UNDER SECTION 111 OF THE MMSEA

By: Mark Popolizio, J.D.

On September 24, 2008, the Centers for Medicare and Medicaid Services (CMS) released its *Registration Process* instructions as part of the agency's continuing implementation of Section 111 of the Medicare, Medicaid and SCHIP Extension Act (MMSEA). The detailed instructions contained in the *Registration Process* document outline the registration process to be followed by "responsible reporting entities" (RREs) regarding the electronic reporting requirement per CMS' implementation of Section 111 of the MMSEA. A copy of the *Registration Process* document can be obtained at <http://www.nquestbridgepointe.com/news/uploads/mspmandatoryreportingregistrationprocess.pdf>.

It is important to understand how the instructions fit into the bigger picture of the Section 111 amendments and CMS' proposed implementation guidelines related thereto. In August, 2008, CMS announced its initial implementation guidelines in the Federal Register (73 Fed. Reg. 45013, August 1, 2008) and as contained in CMS' *Supporting Statement* issued in conjunction therewith.<sup>1</sup> In mid September, 2008, CMS then released its *Implementation Timeline* outlining its expected timetables for full implementation of the mandatory reporting requirements of Section 111.<sup>2</sup> The now released *Registration Process* instructions represent CMS' third major policy announcement regarding the required processes to be followed under Section 111.

In order to appreciate the full significance of the *Registration Process* instructions, the author encourages the reader to review CMS' *Supporting Statement* to obtain an understanding of the nature and scope of the proposed substantive information to be reported under Section 111. A copy of CMS'

*Supporting Statement* can be obtained at [http://www.nquestbridgepointe.com/news/uploads/cms-supporting\\_statement.pdf](http://www.nquestbridgepointe.com/news/uploads/cms-supporting_statement.pdf).

Likewise, the author recommends that the reader review CMS' *Implementation Timeline* to become familiar with CMS' proposed time tables regarding implementation of the various reporting requirements. A copy of CMS' *Implementation Timeline* can be obtained at [http://www.nquestbridgepointe.com/news/uploads/implementation\\_timeline.pdf](http://www.nquestbridgepointe.com/news/uploads/implementation_timeline.pdf).

### Overview of CMS' *Registration Process* Instructions

In August, CMS announced via its *Supporting Statement* that it would require "electronic reporting" in relation to the "notice" component under Section 111.<sup>3</sup> As outlined therein, CMS proposes that applicable RREs will submit the required information by registering "on-line by logging on to a secure web site (currently under development) as a first step in complying with MIR [Mandatory Insurer Reporting]. Once the applicable reporting entity submits its application via the secure website, CMS will begin working with the entity to set up the data reporting and response process."<sup>4</sup>

The newly released *Registration Process* instructions pertain specifically to the electronic reporting requirement aspect of CMS' implementation guidelines. As stated by CMS, these instructions provide "information on how entities responsible for complying with these reporting requirements will go about registering with the Medicare Coordination of Benefits Contractor (COBC) for mandatory reporting."<sup>5</sup>

The *Registration Process* instructions relate to both group health plans (GHP) RREs and non-group health plans (Non-GHP) RREs. It is important to note that the information outlined and discussed in this article relates **only** to CMS' registration instructions pertaining to non-GHP RREs. Non-GHP RREs include liability insurance (including self insurance), no-fault insurance and workers' compensation.

The starting point in analyzing the *Registration Process* instructions involves understanding CMS' definition and criteria concerning RREs. Attachment A to CMS' *Supporting Statement* provides key definitions regarding exactly which entities are required to report under Section 111. Pages 13-15 of said document pertain to non-GHPs RREs. As will be noted, this section also contains information concerning the "use of agents" for purposes of reporting under Section 111.

Upon determining RRE status, the focus then shifts to the actual registration instructions as outlined by CMS. The instructions contained in the *Registration Process* document are very detailed and the author strongly encourages the reader to review the *Registration Process* document in its entirety to obtain his/her own familiarity and understanding of the information conveyed therein. Per the author's review of this information, the following overview of CMS' *Registration Process* instructions is hereby provided:

#### **Purpose:**<sup>6</sup>

The purpose of the outlined registration process is for the RREs to provide notification to the COBC of their intent to report the required data per Section 111. CMS states that registration *by the RRE* must be completed before testing between the RRE (or its agent) and the COBC can commence. (Per CMS' *Implementation Timeline*, the referenced "testing period" is slated for the period July 1, 2009 – September 30, 2009)<sup>7</sup>. It is important to note that although a RRE may use an agent for reporting purposes, the RRE itself must complete the registration process directly.

CMS notes that the registration process will provide COBC with information needed to:

- Certify the registrant is a valid RRE for Section 111;
- Assign a Section 111 Reporter ID to each RRE;
- Develop a Section 111 reporting profile for each RRE, including estimates of the volume and type of data to be exchanged for planning purposes;

- Assign a production live date and file submission timeframe to each RRE;
- Establish the necessary file transfer mechanisms; and
- Assign a COBC Electronic Data Interchange Representative (EDI Rep) to each RRE to assist with ongoing communication.

#### **Registration Timeframes**

In this section, CMS advises that the registration process for non-GHP RREs will be **from May 1, 2009 through June 30, 2009**.<sup>8</sup> This time period is in accord with the time tables recently announced by CMS in its *Implementation Timeline (Electronic Registration via COBSW for all liability/no-fault/workers' compensation RREs)*.<sup>9</sup> The RREs will register "on the COB Secure Website (COBSW)."

Further details on how to complete the Section 111 registration process on the COBSW will be posted *at a future date* at [www.cms.hhs.gov/MandatoryInsRep](http://www.cms.hhs.gov/MandatoryInsRep).<sup>10</sup>

#### **Registration Process:**<sup>11</sup>

CMS indicates the following with respect to the registration process:

- All RREs will register on the COBSW.
- An authorized representative will complete and submit the registration for the RRE using a new Internet-based application on the COBSW.
- When a registration application is submitted, the information provided will be validated by the COBC.
- Once this is completed, the RRE will then be instructed to assign an Account Manager, who will return to the COBSW to complete account set up and obtain Login IDs for individual users associated with that account. The Account Manager will be the administrative contact for the RRE and will control the overall account profile.
- All users associated with the RRE's account will be able to submit test and production files, maintain account information and monitor the status of file processing using the COBSW.

## Information Needed to Register: <sup>12</sup>

In this section, CMS provides a “general description” of the registration information CMS will collect. The information in this section can essentially be broken down into three parts.

CMS begins this section by reiterating that “*each RRE must complete the registration process regardless of whether an agent will be submitting files on that entity’s behalf. An agent may not complete the registration for a Responsible Reporting Entity.*” CMS again directs the public to Attachment A of its *Supporting Statement* (discussed above) regarding definitions and other pertinent criteria regarding RREs.

CMS then makes a general reference to how RREs through the registration process will reflect what CMS terms as “*the basic decisions [the RRE] makes about the number and type of files it will submit*” in compliance with Section 111. In this regard, CMS states:

Each RRE’s registration will reflect the basic decisions it makes about the number and types of files it will submit as it complies with the Section 111 requirements. For example, if an RRE is a company comprised of three subsidiaries with separate Group Health Plan (GHP) enrollment systems for which it intends to submit three separate files, then it must complete three separate sets of information related to the file transfers. The RRE will receive three separate Section 111 Reporter IDs. Alternatively, if that same company will be submitting one file that includes data for all three subsidiaries, then it must complete only one set of information related to file transfer and it will receive only one Section 111 Reporter ID. A separate set of information must be submitted for each file transmission set-up.

The remainder of this section is devoted to the informational data fields to be collected by CMS as part of the registration process. This information is outlined in pages 3-13 of the *Registration Process* document under the section entitled “Information Needed to Register.”

It is strongly recommended that this section be analyzed in its entirety to obtain an understanding of the *exact*

information required to be provided to CMS in relation to the registration process. The informational data fields as contained in pages 3-13 of the *Registration Process* document can be accessed directly at [http://www.nuquestbridgepointe.com/news/uploads/msp\\_mandatoryreportingregistrationprocess.pdf](http://www.nuquestbridgepointe.com/news/uploads/msp_mandatoryreportingregistrationprocess.pdf). It should be noted that the outlined informational data fields pertain to both GHP and non-GHP RREs. Thus, close attention must be given to each individual data field to determine whether same applies to one’s particular RRE status.

## Conclusion

Through release of its *Registration Process* instructions, CMS has taken a major step toward implementing electronic reporting in relation to the mandatory reporting requirements under Section 111. As noted above, CMS will post further details regarding the registration process “at a future date” at [www.cms.hhs.gov/MandatoryInsRep](http://www.cms.hhs.gov/MandatoryInsRep). The next step in this overall process would appear to be CMS’ completion of the “COB Secure Website (COBSW).”

In the interim, all RREs should incorporate the registration instructions into its internal workflows and processes to assure proper compliance with CMS’ Section 111 implementation guidelines. As with the information in CMS’ *Supporting Statement* and *Implementation Timeline* which came before, it is very likely that RREs will have questions concerning particular aspects of the instructions and process contained in CMS’ *Registration Process* document.

In this regard, RREs should direct any questions and comments to CMS via the established “public comment” periods and CMS’ “Open Door” forums. Regarding the “public comment” periods, the initial 60 day public comment period expires on September 30, 2008. In its *Implementation Timeline* CMS has “projected” a second “comment” period for October 10, 2008-November 11, 2008. It should be noted that CMS will be holding an “Open Door” forum on Wednesday, October 1, 2008 from 1:00 p.m. to 3:00 p.m. (EST). The call in number is 888-606-7037. The pass code is MMSEA111. Questions may be submitted prior to the teleconference via e-mail to: [PL110-173SEC111-comments@cms.hhs.gov](mailto:PL110-173SEC111-comments@cms.hhs.gov).

## About the Author

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## Endnotes

- <sup>1</sup> For an in depth overview of CMS' Proposed Guidelines and "Supporting Statement," please see the author's article entitled *CMS Publishes Summary of Proposed Guidelines to Implement Section 111 of the Medicare, Medicaid & SCHIP Act*, NuQuest/Bridge Pointe "Settlement News," August, 2008. This article can be obtained by logging onto [www.NQBP.com](http://www.NQBP.com) (select "Resource Library" and then choose "Settlement News").
- <sup>2</sup> The author provided an overview of CMS' proposed timelines in his article entitled *CMS Releases Implementation Timeline Regarding Section 111 of the MMSEA*, NuQuest/Bridge Pointe "Settlement News," September, 2008. This article can be obtained by logging onto [www.NQBP.com](http://www.NQBP.com) (select "Resource Library" and then choose "Settlement News").
- <sup>3</sup> CMS' *Supporting Statement* at p. 5 (Section 2 – Information Users) and p. 6 (Section 5 – Small Business).
- <sup>4</sup> CMS' *Supporting Statement* at p. 5 (Section 2 – Information Users).
- <sup>5</sup> CMS' *Registration Process* instructions at p. 1.
- <sup>6</sup> The information outlined under this section was obtained from CMS' Registration Process document under the section entitled "Purpose of the Registration Process" located at p. 1 of said document.
- <sup>7</sup> See the author's article entitled *CMS Releases Implementation Timeline Regarding Section 111 of the MMSEA*, NuQuest/Bridge Pointe "Settlement News," p. 2, September, 2008. This article can be obtained by logging onto [www.NQBP.com](http://www.NQBP.com) (select "Resource Library" and then choose "Settlement News").
- <sup>8</sup> CMS' *Registration Process* instructions at p. 2 (Section entitled "Registration Timelines").
- <sup>9</sup> See the author's article entitled *CMS Releases Implementation Timeline Regarding Section 111 of the MMSEA*, NuQuest/Bridge Pointe "Settlement News," p. 2, September, 2008. This article can be obtained by logging onto [www.NQBP.com](http://www.NQBP.com) (select "Resource Library" and then choose "Settlement News").
- <sup>10</sup> CMS' *Registration Process* instructions at p. 2 (Section entitled "Registration Timelines").
- <sup>11</sup> The information outlined under this section was taken directly from CMS' *Registration Process* document under the section entitled "Overview of the Registration Process" and the subsection thereto entitled "All Other Responsible Reporting Entities" located at p. 2-3 of said document.
- <sup>12</sup> The information outlined under this section was obtained from CMS' *Registration Process* document under the section entitled "Information Needed to Register" located at p. 3-13 of said document.