

ALERT

Section 111 Bulletin: Section 111 Reporting Apparently Delayed For "Certain" Payments

September 30, 2011

The Centers for Medicare & Medicaid Services (CMS) has, apparently, again delayed mandatory insurer reporting under Section 111 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (MMSEA) for "certain" liability insurance (including self-insurance) settlements, judgments, awards, or other payments. For a brief time this morning, a Notice appeared on CMS's Section 111 website advising of the delay and referring readers to a linked Alert. That link was not operational, however, and CMS removed the Notice altogether a short time later, presumably to address technical difficulties. We will continue to monitor this development and provide more details when additional information becomes available.

Readers are cautioned that the scope of the extension to be issued by CMS, and any limitations with respect to the applicability of such an extension, are not known at this time and will not be known until CMS reissues its Alert. CMS also has announced it will release a Policy Memorandum on Future Medicals; an Alert on Exposure, Ingestion, and Implantation Issues and December 5, 1980; and an Alert related to Qualified Settlement Funds. These Alerts are not yet available on the CMS website.

The Wiley Rein Section 111 Team will continue to monitor CMS's consideration of requests for a delay in the implementation of mandatory insurer reporting. Our Section 111 Team routinely covers the Section 111 NGHP teleconferences held most months by CMS, and we send periodic Alerts to our clients addressing notable Town Hall discussions and other Section 111 developments. We also maintain a searchable electronic database of town hall transcripts back to October 2008. Please let us know if you would like more information about any of the Section 111 topics discussed in this Alert.

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