

ALERT

# Section 111 Bulletin: CMS Releases Revised NGHP User Guide But Fails To Provide Expected Guidance On Important Unresolved Section 111 Issues

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July 6, 2012

On July 3, 2012, the Centers for Medicare & Medicaid Services (CMS) released version 3.4 of the *Medicare, Medicaid and SCHIP Extension Act (MMSEA) Section 111 Medicare Secondary Payer Mandatory Reporting Liability Insurance (Including Self-Insurance), No-Fault Insurance and Workers' Compensation User Guide*. CMS split the User Guide into 5 chapters linked here:

- Chapter 1: Introduction and Overview
- Chapter 2: Registration Procedures
- Chapter 3: Policy Guidance
- Chapter 4: Technical Information
- Chapter 5: Appendices

The revised User Guide for Non-Group Health Plans (NGHPs) incorporates all Alerts issued by CMS to date but does not provide any new substantive guidance. Many in the industry had expected that the next User Guide would address unresolved issues relating to mass torts settlements, foreign insurer reporting, self-insured retentions, the use of broad general releases, and possibly a reporting exception for specialty lines for which CMS had promised additional guidance. CMS stated during the last Town Hall Teleconference that once it had posted the revised User Guide there would not likely be any further guidance issued until after contract award to the entities replacing the Coordination of Benefits Contractor (COBC) and the Medicare Secondary Payer Recovery

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## Practice Areas

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Health Care  
Insurance  
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Reimbursement

Contractor (MSPRC) at the end of this year.

CMS has not yet announced the date of the next Section 111 NGHP Teleconference.

*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. You also may access our Section 111 webpage and other Section 111 Bulletins and articles we have published at [www.wileyrein.com/section111](http://www.wileyrein.com/section111).*