



Office of Financial Management/Financial Services Group

January 8, 2009

**. 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 --Section 111 Reporting Involving Group Health Plan
Small Employer Exception (SEE) Request Information**

ALERT:

For file submissions during 2009, after a multi-employer or multiple employer plan (or its insurer, if authorized to make the request on behalf of the plan) has submitted a SEE request to the CMS' Coordination of Benefits Contractor (COBC), CMS has determined that Responsible Reporting Entities (RREs) are not required to include data on Active Covered Individuals for whom the request was made until the submitter receives a reply to the request.

If a reply (including approval or rejection) from the COBC is received at any time during 2009, the RRE must then begin submitting data about the individual(s) for whom the SEE request was submitted to the COBC in its next scheduled submission. Effective January 1, 2010, data about individuals for whom a SEE has been requested must be included on MSP Input Files whether or not a reply to the SEE request has been received by the submitter.

Note: The responsible multi-employer or multiple employer plan must keep adequate records of all SEE request activity and be able to produce the documentation when requested by the COBC or by CMS.

BACKGROUND:

Section 111 RREs are required to submit data regarding approved SEE requests.

For complete SEE information go to:

www.cms.hhs.gov/EmployerServices/05_smallemployerexception.asp . See also the discussion of SEE requests in the Section 111 GHP User Guide.

This alert does not change any of the requirements or processes associated with requesting and receiving approval for a SEE. Readers unfamiliar with SEE requests should refer to the material referenced in the preceding paragraph. The information in this alert will be added to the Section 111 GHP User Guide.