



Medicare Secondary Payer Conditional Payment and Section 111 Reporting Reform Bill Introduced

US Congressmen Tim Murphy (R-PA) and Ron Kind (D-WI) introduced new legislation March 14th designed to reform the administration of Medicare Secondary Payer provisions of federal law particularly with respect to MSP conditional payments and Section 111 Reporting issues. The legislation, HR 1063, titled the “Strengthening Medicare and Repaying Taxpayers Act of 2011” includes a number of positive reforms and is supported by UWC and a long list of self-insured employers, insurers, and TPAs who formed the MARC coalition to advocate for the reforms. The bill is available at <http://www.gpo.gov/fdsys/pkg/BILLS-112hr1063ih/pdf/BILLS-112hr1063ih.pdf>

The primary features of the legislation include:

- Expedited determinations of the MSP conditional payment reimbursement amount
- A right of appeal of determinations of conditional payments with respect to items or services
- Determination of a reasonable threshold below which Section 111 reports would not be required
- A reasonable process for the determination of fines for failure to submit Section 111 reports, determined based on the severity of the penalty and whether the violation of the requirement was a knowing, willful, and repeated violation
- Requiring the Secretary to modify Section 111 reporting requirements to permit reporting without SSNs or HICNs
- Limiting legal actions to be brought by the United States to not later than 3 years after the date of the receipt of notice of a settlement, judgment, award, or other payment

Efforts have begun to identify co-sponsors for HR 1063.