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**Medicare's Mandatory Reporting Requirements
for Non-Group Health Plans**

Part 2 of a 2-part article

Section 111 is the Medicare regulation that requires Responsible Reporting Entities (RRE's) to report to Medicare, situations in which the RRE has primary payer responsibility for a Medicare beneficiary's medical condition. The purpose of the regulation is to enforce Medicare's status as a secondary payer by notifying Medicare when a primary payer exists and is responsible for medical expenses that are incurred to treat the medical condition.

In Part 1 of this article, the regulation was generally defined but the specific parameters are set forth below:

- ▶ The penalty for noncompliance is \$1,000 a day per claim.
- ▶ Who must report would be primary payers of applicable plans including the fiduciary or administrator for such law, plan or arrangement: liability insurance (including self insurance), no fault insurance and workers' compensation.
- ▶ What must be reported would be the identity of a Medicare beneficiary whose illness, injury, incident or accident was the subject of a primary payment of Ongoing Responsibility for Medicals (ORM) and/or a Total Payment Obligation to the Claimant (TPOC) of a settlement, judgment, award or other payment.
- ▶ Reporting must be completed quarterly beginning April 1, 2010 which includes claim information where ongoing responsibility for medical services related to a claim was assumed by the RRE on or after July 1, 2009, regardless of the date of an initial acceptance of payment responsibility.

Section 111 proves the Federal Government has intensified its efforts for coordination of benefits under non-group health plans. The Centers for Medicare & Medicaid Services (CMS) has published two user guides. A third user guide is due out by year-end 2009. Additionally, CMS is holding informative teleconferences on policy as well as the technology of reporting.

Further information, teleconference dates and times are available at www.cms.hhs.gov/MandatoryInsRep/



Court Rules Against Worker In Workers' Compensation Case In Appellate Court

Commonwealth of Pennsylvania court case:

A Pennsylvania employee appealed a workers' compensation determination that the carpal tunnel syndrome he was suffering from was not a work related injury. The employee was a saw operator at a Pennsylvania company. His job duties involved using a crane to lift couplers, and pushing them with his hands onto rollers and into the saw. In 2005 he filed a claim stating he was disabled by the repetitive use of a vibrating tool.

The employer denied the allegations and presented to the judge the testimony of a rehabilitation counselor who videotaped another employee at the same company operating the saw. The counselor concluded that the saw operator's activities were not repetitive.

The employee testified that the video did not accurately depict his duties. The judge declared the employee's testimony not credible, and said the video shows the entire duties of a saw operator.

The Workers' Compensation Appeal Board affirmed the judge's decision and the employee appealed the Board's decision. A three-judge panel of the Commonwealth Court states the judge has the authority to determine witness credibility, and does not have to specify how he or she reaches that decision. Therefore, the Court upheld the Board's decision and found the employee did not suffer from a work related injury.





YOU AND YOUR HEALTH

Check Your Colds & Flu IQ

Note: Some questions may have more than one correct answer.

1. Colds are caused by:

- a. Getting chilled in cold weather.
- b. Viruses, which cannot be killed by antibiotics.
- c. Bacteria, which can be killed by antibiotics.

2. You are most likely to get a cold if you:

- a. Live with someone who has a cold.
- b. Ride public transportation.
- c. Shake hands with someone who has a cold and you don't wash your hands.

3. What's the best way to prevent colds?

- a. Eat a healthy diet and get plenty of sleep.
- b. Wash your hands often.
- c. Dress warmly and don't get chilled.
- d. Wash your hands with antibacterial soap.

4. When's the best time to get a flu shot?

- a. October or November.
- b. December.
- c. Anytime during the winter months.

5. Who should get the flu vaccine?

- a. The elderly.
- b. Children—they are most likely to infect adults.
- c. Healthcare workers.
- d. All of the above—plus anyone who doesn't want to get the flu



Answers:

- 1. (b)
- 2. (c)
- 3. (a) and (b)
- 4. (a)
- 5. (d)

Common Safety Terms – Decoded!

What's a HAZWOPER? If reading your safety manual is like deciphering a secret code, it's time to read this glossary of common safety jargon:

CONFINED SPACE: A space that has limited or restricted means of entry or exit.

HAZCOM: Hazard communication. Refers to hazards employees could be exposed to.

HAZMAT: Hazardous material.

HAZWOPER: Hazardous waste operations and emergency response.

LO/TO: Lockout/tagout. Shutdown procedure that minimizes hazards during the servicing of machines and equipment.

Means of egress: A way to exit a building.

MSDS: Material safety data sheet. Contains information about a potentially hazardous chemical. (See "Making Sense of MSDSs" in the September 2004 issue of TopSafety)

NIOSH: National Institute for Occupational Safety and Health.

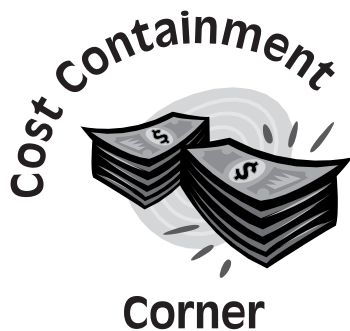
OSHA: Occupational Safety and Health Administration.

PPE: Personal protective equipment, such as safety glasses, gloves and respirators.

REGS: Regulations. Usually refers to OSHA's safety rules.

RISK: The probability that harm might come to a person.

Clear communication is important to working safely. Review the above list and consult your supervisor or safety risk manager if you need more information.



Sprains, Strains and Muscle Spasms

Most lower back problems are caused by simple strains that can heal within six to eight weeks. If you know what causes back problems, such as sprains, strains and muscle spasms, and how to prevent them, you can save yourself a lot of discomfort.

Sprain—Ligament Injury

You're painting and you fall off your step stool. You feel a wrenching pain in your back, but you can get up on your own and continue painting. The real pain comes later. This is a sprain.

In a sprain, a joint's forced to go beyond its normal range of motion. The ligament fibers overstretch and tear. This often happens with sudden twisting in active sports. The joint can still function, but ligament tears leak blood into the tissue surrounding the joint, causing swelling and discomfort.

Back sprains are usually severe. Pain and motion in the lower back will often cause a muscle spasm. See your doctor if you get a sprain.

Strain—Muscle or Tendon Injury

If a muscle or tendon was injured when you fell off the ladder, you have a strain. Strains are not as serious as sprains. They often happen when you neglect to warm up your muscles before using them or when you've overworked weak back muscles. Years of tension or misuse can cause chronically strained muscles or tendons.

Spasm—Muscle Contraction

You've been driving for two hours. You turn and reach for your hat in the back seat and wham—your lower back muscles on one side clamp into a spasm.

A spasm is a sudden, forceful and continuous muscle contraction. It's usually caused by direct trauma to the muscle, too much exercise or chronic strain. You can tell when your muscle is in spasm; it bulges and is hard to the touch. The muscle's painful and feels like it's tied up in

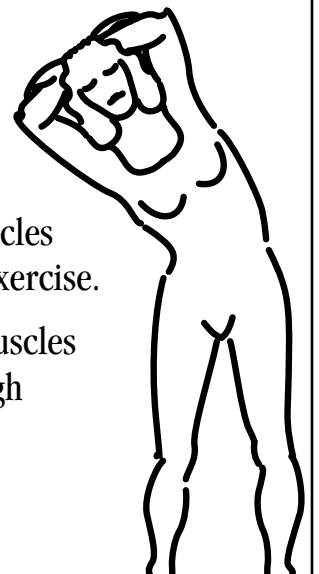
a knot. When you have a muscle spasm, all the fibers contract. With normal movement, only some of the fibers contract.

Muscles do two things: contract and relax. Muscles help protect your spine. If you overwork them, the message from the nervous system to the muscle is to contract and protect. A muscle in spasm acts like a splint, restricting motion in your joints. If something's wrong with the discs or facet joints, muscles may go into spasm to hold everything in place, preventing further damage to the spine. Protective spasm can be chronic.

Prevention

Treat your muscles with the care and respect they deserve.

- Keep them flexible with daily slow stretching.
- Warm up your muscles and joints before exercise.
- Stretch out your muscles when you're through exercising.





Humor Corner

Medical Record Blunders (Part 3)

1. Patient has chest pain if she lies on her left side for over a year.
2. On the 2nd day the knee was better and on the 3rd day it disappeared completely.
3. She has had no rigors or shaking chills, but her husband states she was very hot in bed last night.
4. The patient has been depressed ever since she began seeing me in 1993.
5. The patient is tearful and crying constantly. She also appears to be depressed.
6. Discharge status: Alive but without permission.
7. Healthy appearing decrepit 69 year-old male, mentally alert but forgetful.
8. The patient refused an autopsy.
9. The patient has no past history of suicides.
10. Patient has left his white blood cells at another hospital.
11. Patient's past medical history has been remarkably insignificant with only a 40 pound weight gain in the past three days.
12. Patient had waffles for breakfast and anorexia for lunch.
13. Since she can't get pregnant with her husband, I thought you might like to work her up.
14. She is numb from her toes down.
15. While in the ER, she was examined, X-rated and sent home.
16. The skin was moist and dry.
17. Occasional, constant, infrequent headaches.
18. Patient was alert and unresponsive.
19. Rectal exam revealed a normal size thyroid.
20. She stated that she had been constipated for most of her life, until she got a divorce.
21. I saw your patient today, who is still under our Car for physical therapy.
22. The patient was to have a bowel resection. However, he took a job as a stockbroker instead.
23. Skin: Somewhat pale but present.
24. Patient was seen in consultation by Dr. Blank, who felt we should sit on the abdomen and I agree.
25. Patient has two teenage children, but no other abnormalities.



The contents of this newsletter are intended to be treated merely as newsworthy articles that interest the general business community. Any information contained herein is not to be relied upon as legal or medical advice. If you should have legal or medical questions, we suggest you contact your attorney or physician.

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