



## *Tulane Maritime Law Journal: To Report, or Not to Report, That is the Question: Are Protection and Indemnity Clubs Responsible Reporting Entities Under MMSEA Section 111?*

Articles / Publications  
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This Comment will review the basics of Protection and Indemnity clubs (P&I clubs) and the Medicare Secondary Payer Act (MSP). More specifically, this Comment will address the question whether P&I clubs are required to report a Medicare set-aside (MSA) to the Centers for Medicare and Medicaid Services (CMS) under the reporting requirements of section 111 of the Medicare, Medicaid, and the State Children's Health Insurance Program (SCHIP) Extension Act of 2007 (MMSEA) in cases of liability settlements. MMSEA created a duty for specific parties to notify the CMS of a settlement that concerns the interests of Medicare. Failure to comply with this statute results in a fine of \$1000 per day. Many P&I clubs alerted their members to the new obligations and disclaimed any reporting responsibility of their own. At first glance, the P&I clubs' approach would seem to be at odds with the statute, the plain language of which clearly requires all insurers to be responsible reporting entities (RREs).

Read the full article, "To Report, or Not to Report, That is the Question: Are Protection and Indemnity Clubs Responsible Reporting Entities Under MMSEA Section 111?"