DECEMBER 9, 2011

CMS Closes ERRP Program

This afternoon CMS announced that it will not accept claims for ERRP reimbursement, if the claim is incurred on January 1, 2012 or later. However, claims incurred before January 1, 2012 and paid on or after January 1, 2012 may be submitted after the claim is paid based on current ERRP guidelines. A portion of the CMS announcement is appended as follows:

CMS is exercising our authority under 45 CFR 149.45(a) to deny certain reimbursement requests based on the available amount remaining of the $5 billion in appropriated program funding, and the rate at which it is being disbursed. We are now announcing that any Claim List submitted to ERRP in support of a reimbursement request, that includes one or more claims with an incurred date identified as January 1, 2012 or after, will be rejected in its entirety. Therefore, to avoid such a consequence, a plan sponsor must not submit any Claim List or Summary Cost Data that includes any claim with an incurred date identified as January 1, 2012 or later. As specified in 45 CFR 149.325, a claim may be submitted to ERRP only after it has been incurred, and paid. Therefore, under this notice, and consistent with current policy, if a claim is incurred on or before December 31, 2011, but paid after December 31, 2011, the sponsor may submit the claim, but not until it has been paid.