



Dept 120830
PO Box 1259
Oaks, PA 19456

Account Number: [REDACTED]
Reference Number: [REDACTED]



24036-1



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Dear [REDACTED]:





Enclosed you'll find the annual surveys that Blue Cross Blue Shield of Massachusetts sends to accounts. The data collected will be used to satisfy federal government requirements. The surveys included are:

- 1. Employer Tax ID (EIN).** This survey collects information to facilitate Internal Revenue Service Form 1095 employee reporting obligations.
- 2. Medicare Secondary Payer (MSP) Calculation.** This survey helps us determine the total number of employees who worked at your company in 2018 and 2019 so that we can properly determine payment primacy for your employees' claims.
- 3. Patient Protection and Affordable Care Act (PPACA) Calculation.** This survey helps us determine the size of your company (small vs. large) so we can calculate our Medical Loss Ratio (MLR) for the companies we insure, and determine if you are eligible for any rebates.

Please note: Although both the MSP and the PPACA surveys ask about employee size, you must complete both surveys to comply with federal regulations. This is because the two surveys have different purposes and they each calculate employer group size differently.

What Is The Deadline For Returning The Surveys?

Please respond to all three surveys **within the next 10 business days** to avoid receiving follow-up calls and letters. Your timely response to these surveys is essential to help us determine if your company is eligible for a rebate, where applicable, in 2019 if any are required to be issued in 2020. We prefer that you respond online, but you can also respond by mail, phone, or fax if necessary. See below for details.

 To respond online , visit BCBSMA.groupsizeupdatecenter.com and provide the requested information. You'll need your Account Number and Reference Number (located at the top right of this page).	
 To respond by mail , please complete the enclosed surveys and send to: Blue Cross Blue Shield of Massachusetts PO BOX 543099 OMAHA, NE 68154	 To respond by phone , please call us at: 888-703-7302
	 To respond by fax , please complete the enclosed surveys and fax them to: 402-384-6695

Questions?

If you have questions, please refer to the enclosed *Frequently Asked Questions* sheet, or call us at 888-703-7302. Thank you in advance for your timely response.

Sincerely,

Blue Cross Blue Shield of Massachusetts
Enclosure: Surveys (Part 1 & 2), FAQs



Part 1: Medicare Secondary Payer Calculation Employer Group Size Survey

MSPMA1


Employer Name: 

Account Number: 

Reference Number: 

Employer Identification Number (EIN): 

Step 1. If your primary EIN (listed above) is incorrect or blank, please supply the correct EIN:

Note: If primary EIN is correct, skip to the next step.

Step 2. What was your final employee count at the end of 2018? _____

Note: Please count each associate employed as one employee. This count must include all full-time and part-time employees associated with the group numbers relating to your specific account.

Step 2a. Please read through all three options below and indicate, by checking a single box, the employer group size that accurately represented your organization for 2018. Week 1 began January 1, 2018.

Account Number


OPTION 1

19 or Fewer Employees

My company employed **19 or fewer** full- and/or part-time employees for **33 or more weeks** in 2018.

Please indicate the month in which your company reached the 33rd week (doesn't have to be consecutive weeks) of employing 19 or fewer employees and continue to Step 3:

July October

August November

September December

OPTION 2

20–99 Employees

My company employed **20–99** full- and/or part-time employees for **20 or more weeks** in 2018.

Please indicate the month in which your company reached the 20th week of employing 20-99 employees (doesn't have to be consecutive weeks) and continue to Step 3:

May September

June October

July November

August December

OPTION 3

100+ Employees

My company employed **100+** full- and/or part-time employees for **50% or more** of its regular business days in 2018.

Please indicate the month in which your company reached 50% of its regular business days employing 100+ and continue to Step 3:

June September

July October

August November

December





Step 3. What is your current employee count for 2019? _____

Note: Please count each associate employed as one employee. This count must include all full-time and part-time employees associated with the group numbers relating to your specific account.

Step 3a. Please read through all three options below and indicate, by checking a single box, the employer group size that accurately corresponds to your organization for 2019. Week 1 began January 1, 2019. *Note: If none of the categories below currently describes your company due to not yet reaching the sufficient number of weeks, please know that you're obligated to inform Blue Cross Blue Shield of Massachusetts if/when your company changes categories from the previous year.*

OPTION 1

19 or fewer Employees

My company employed 19 or fewer full- and/or part-time employees for 33 or more weeks in 2019.

Please indicate the month in which your company reached the 33rd week (doesn't have to be consecutive weeks) of employing 19 or fewer employees and continue to the reverse side:

- | | |
|------------------------------------|-----------------------------------|
| July <input type="checkbox"/> | October <input type="checkbox"/> |
| August <input type="checkbox"/> | November <input type="checkbox"/> |
| September <input type="checkbox"/> | December <input type="checkbox"/> |

OPTION 2

20–99 Employees

My company employed 20–99 full- and/or part-time employees for 20 or more weeks in 2019.

Please indicate the month in which your company reached the 20th week of employing 20-99 employees (doesn't have to be consecutive weeks) and continue to the reverse side:

- | | |
|---------------------------------|------------------------------------|
| May <input type="checkbox"/> | September <input type="checkbox"/> |
| June <input type="checkbox"/> | October <input type="checkbox"/> |
| July <input type="checkbox"/> | November <input type="checkbox"/> |
| August <input type="checkbox"/> | December <input type="checkbox"/> |

OPTION 3

100+ Employees

My company employed 100+ full- and/or part-time employees for 50% or more of its regular business days in 2019.

Please indicate the month in which your company reached 50% of its regular business days employing 100+ employees and continue to the reverse side:

- | | |
|---------------------------------|------------------------------------|
| June <input type="checkbox"/> | September <input type="checkbox"/> |
| July <input type="checkbox"/> | October <input type="checkbox"/> |
| August <input type="checkbox"/> | November <input type="checkbox"/> |
| | December <input type="checkbox"/> |

Please Complete the Patient Protection and Affordable Care Act MLR Calculation Survey on the Next Page



MSPMA1
Account Number

Part 2: Patient Protection and Affordable Care Act MLR Calculation Employer Group Size Survey

Employer Name: [REDACTED]
Account Number: [REDACTED] Reference Number: [REDACTED]

This survey will determine whether your company is a small or large group. This determination will help us calculate the 2019 Medical Loss Ratio (MLR) as well as your company's eligibility for any potential MLR rebates.

Please complete the following:

Please indicate the average number of employees* your company employed in 2018, as defined below for calculating the MLR, by selecting your employer size:

- Small Employer—Average of 50 or fewer employees AND at least one employee on January 1, 2019.
- Large Employer—Average of 51 or more employees AND at least two employees on January 1, 2019.

* For purposes of counting employees and determining group size: **An employer's number of employees is determined by averaging the total number of all employees employed on business days during the preceding calendar year** [Section PHS Act §2791(e)(2) and (4)]. Please note: this number includes each full-time, part-time, and seasonal employee. An employee is "any individual employed by an employer" [PHS Act §2791(d)(5)]. **If your company is a sole proprietorship, do not count yourself or your spouse as employees (for purposes of this survey only).**

This employer size categorization will be used to calculate the 2019 MLR and help determine whether your company will be eligible for 2019 rebates, if any are required to be issued in 2020.

We'll also rely on you to distribute rebate funds (if applicable) proportionally to your employees, according to federal guidelines.

Sign and Return: By signing and returning this form (or by completing this survey), you certify the accuracy of this information and confirm your understanding that we rely on your answers to process your claims in accordance with Medicare secondary payer law and to calculate MLR and any associated rebates as required by federal law. **Please return the completed, signed form within the next 10 business days.**

Name & Title (Please Print)

Signature

Date



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Annual Medicare Secondary Payer Calculation Process Frequently Asked Questions (FAQs)

No.	Question	Response
1	Why does Blue Cross Blue Shield of Massachusetts need my company's employee identification number (EIN)?	Medicare requires health plans to provide information about the number of employees in each of our accounts, as well as the EIN (also referred to as tax identification number or TIN) of each account. Medicare uses this information to more accurately ensure that claims are paid in the correct priority based on each account's size. If your company includes many subgroups, we only need to capture the primary account's EIN for the purposes of this survey.
2	What is the Medicare secondary payer law?	The Medicare secondary payer law is a federal law that determines whether Medicare or an employer group health plan pays for health claims first. The rules are outlined on the back of your survey form, but if you have specific questions about your company's Medicare secondary payer obligations, please contact the Centers for Medicare and Medicaid Services (CMS) at 1-800-999-1118 or your own legal counsel.
3	Why is it important for me to report this information to Blue Cross Blue Shield of Massachusetts?	Blue Cross Blue Shield of Massachusetts requires this information to pay your employees' claims in accordance with the Medicare secondary payer law.
4	When is Medicare considered the primary payer?	Specific rules dictate when Medicare is considered the primary payer. For additional information, please refer to the rules and definitions on the back of this FAQs form, specifically the Working Aged rule, Disability rule, and End-Stage Renal Disease (ESRD) rule.
5	When is Blue Cross Blue Shield of Massachusetts considered the primary payer?	Specific rules dictate when Blue Cross Blue Shield of Massachusetts is considered the primary payer. For additional information, please refer to the rules and definitions on the back of this FAQs form, specifically Working Aged rule, Disability rule, and End-Stage Renal Disease (ESRD) rule.
6	Why is this certification form necessary? Can't Blue Cross Blue Shield of Massachusetts just go by the number of employees enrolled on our plan?	Medicare secondary payer law requirements are based on the total number of employees, not on the number of employees enrolled in the health plan.
7	When is an employer considered to have 20 or more employees?	An employer is considered to employ 20 or more employees when the employer has 20 or more employees for each working day in each of 20 or more calendar weeks in the current year or preceding year.
8	Do I have to include part-time employees in my total employee count?	Yes. For purposes of this questionnaire, an employee is defined as an individual who received payments from the employer that are subject to FICA taxes. For a more detailed description of an employee, please see the important definitions section on the back of this FAQs form.
9	I'm a self-employed owner of my company. Am I considered an employee?	No, you are not considered an employee. You're considered a self-employed owner of a company.
10	Do I need to include retirees in my total employee count?	Retirees are generally not counted as employees, because they're not receiving payments subject to FICA taxes; however, if a retiree receives payment subject to FICA taxes (for example, consulting work), he or she must be counted as an employee.
11	My company is a sole proprietorship. Do I still need to complete the survey?	Yes. The Federal Government classifies sole proprietorships as small businesses; therefore, the Medicare secondary payer rules regarding companies that employ fewer than 20 or fewer than 100 employees would apply.
12	Could my answers to these questions affect my premium payments or benefits?	The purpose of the survey is to determine the correct way to process claims for your company to ensure Medicare compliance. If your answers to this survey determine that a primary change is necessary, Blue Cross Blue Shield of Massachusetts will contact you to explain what this means to your company and how it does or doesn't impact your premium payments and benefits.
13	Why do you ask if my company employed 1-19 employees for 33 weeks, when the Medicare rule states that we must be in that category for 20 or more weeks?	The Medicare primary rule that applies to accounts with fewer than 20 employees states that you must have fewer than 20 employees for 20 or more weeks in the calendar year. We ask the question in a different way so that we can accurately determine primacy. Because there are 52 weeks in the calendar year, we ask if you have employed fewer than 20 people for 33 weeks, to avoid situations where a company may have employed both fewer than and more than 20 employees for 20 weeks.
14	Are religious accounts or organizations required to complete the survey?	Yes. An individual is counted as an active employee if the member of the religious order hasn't taken a vow of poverty. This requires that: 1. The religious order pays FICA taxes on behalf of the individual, OR 2. The individual from the religious order is receiving remuneration for services provided, regardless of whether the religious order pays taxes on behalf of that individual.
15	What if my company has been bought or sold?	CMS determines primacy based on company size only, not on the organization that bought or sold the company. Primacy determination for disability is based on when the company fell below 100 employees or employed 100 or more employees. Primacy determination for working aged is based on when the company fell below 20 employees or when the company employed 20 or more employees. For more information, refer to the Medicare secondary payer provision regarding the employees' requirement.
16	What if my company has out-of-state employees?	In applying the Medicare secondary payer provisions, CMS considers the corporation's total amount of employees both inside and outside the United States.
17	Do I need to include deceased employees in my total employee count?	Medicare secondary payer rules are dependent upon the number of employees an employer had over a period of time during the current or previous calendar year. You should count deceased employees at a time when they were working and had "current employment status" as defined by the law. If you have specific questions about your company's Medicare secondary payer obligations, please call the CMS at 1-800-999-1118 or your own legal counsel.



Medicare Secondary Payer Rules and Definitions

Medicare Secondary Payer Rules:

Working Aged Rule – A group health plan of an employer with 20 or more employees for 20 or more weeks in the current or previous calendar year is the primary payer for a plan participant who is entitled to Medicare due to age, and who has coverage under the plan by virtue of his or her current employment status with the employer.

Disability Rule – A group health plan of an employer with 100 or more employees on 50 percent or more of its regular business days during the previous calendar year, is the primary payer for a plan participant who is entitled to Medicare due to disability and who has coverage under the plan by virtue of his or her current employment status with the employer. If a plan is the primary payer for plan participants entitled to Medicare due to disability, it is also the primary payer for plan participants entitled to Medicare due to age.

End-Stage Renal Disease (ESRD) Rule – A group health plan of an employer of any size is the primary payer for a plan participant (other than a health plan that only covers the self-employed owner) who is entitled to Medicare due to ESRD for the first 30 months of the ESRD Medicare entitlement.

Important Definitions:

Your Company – For purposes of this document, “Your Company” includes any other corporations that are part of the same controlled group of corporations or affiliated service group of corporations, such as a parent company, even if not all of the corporations participate in the same health care plan through Blue Cross and Blue Shield of Massachusetts. Thus, for purposes of this questionnaire, you should count the employees in all controlled or affiliated corporations. If you participate in a multiple-employer health plan, where two or more unaffiliated companies offer a single health plan to their employees, “Your Company” means the company with a greater number of employees at any given time.

Employee – For purposes of this questionnaire, an employee is defined as an individual who received payments from the employer that are subject to FICA taxes. A self-employed company owner is *not* counted as an employee. A retiree is only counted as an employee if he or she is receiving payments subject to FICA taxes (e.g., working as a consultant). All employees meeting the definitions above should be counted regardless of their status as full-time or part-time employees, leased employees, consultants, or seasonal employees.

Medicare / CMS Resources:

Link to Medicare Secondary Payer – Working Aged MSP Course

<https://www.cms.gov/Medicare/Coordination-of-Benefits-and-Recovery/Coordination-of-Benefits-and-Recovery-Overview/Medicare-Secondary-Payer/Downloads/MSP-Working-Aged.pdf>

Annual Medical Loss Ratio Calculation Frequently Asked Questions (FAQs)

No.	Question	Response
1	What is the Patient Protection and Affordable Care Act's (PPACA) medical loss ratio (MLR)?	The PPACA is a federal law. One requirement of this law is that health insurance companies report their MLR to federal regulators and pay rebates if certain MLR targets aren't met. The calculation of the MLR is based, in part, on the size of the insurance company's employer groups. To calculate MLR for 2019 and determine if any rebates are due in 2020, we need to know whether your company should be categorized as a "small" or "large" employer group, as defined by the PPACA.
2	What are the definitions of "small" and "large" employer groups for the purposes of the PPACA and MLR?	A small employer is an employer that employed an average of at least 1, but not more than 50, employees on business days during the preceding calendar year, and that employs at least 1 employee on the first day of the plan year. A large employer is an employer that employed an average of at least 51 employees on business days during the preceding calendar year, and that employs at least 2 employees on the first day of the plan year.
3	What if my company was a new employer and didn't have any employees in 2018?	If your company was not in existence in 2018, you should base your group-size count on the average number of employees you reasonably expect to employ on business days in 2019.
4	Why is it important for me to report this information to Blue Cross Blue Shield of Massachusetts?	MLR is calculated separately for small and large employer group markets. To calculate MLR for 2019 and determine if any rebates are due to your company in 2020, we need to know whether your company should be categorized as a "small" or "large" employer group for the 2018 reporting year.
5	Why is this certification form necessary? Can't Blue Cross Blue Shield of Massachusetts use the number of employees enrolled on our plan to determine our group size?	According to federal law, employer size, for MLR calculation purposes, is based on the average number of employees employed on business days during the preceding calendar year [for reference, see Section PHS Act §2791(e)(2) and (4)]. This calculation includes each full-time, part-time, and seasonal employee. Since the total number of employees enrolled on your plan may be different than the total number of employees working during that time frame, we need you to provide us with the correct information, as we don't know the total number of employees at your organization in 2018.
6	Do I have to include part-time employees when determining my employer size?	Yes. For the purposes of this questionnaire, your employee count includes all full- and part-time employees.
7	I own my company. Am I considered an employee?	Yes.
8	Do I need to include retirees in my total employee count?	No, unless they were active employees for all or a portion of 2018. Count only employees who were active during the 2018 calendar year. Retirees are not considered employees.
9	My company is a sole proprietorship. Does this survey apply to me?	Yes, we ask for your response to the survey in a timely manner. If your company is a sole proprietorship, don't count yourself or your spouse as employees (for purposes of this survey only).
10	Could my answers to these questions affect my premium payments?	Possibly. The purpose of this survey is to determine your employer group size to calculate our MLR and determine if any rebates are due in 2020. Indirectly, the MLR calculations could lead to future changes in your premium, as Blue Cross Blue Shield of Massachusetts reviews premium rates on each employer's anniversary date to determine if changes are necessary.
11	Should I include out-of-state employees in my count?	Yes. You should count all of your employees who were active for all or a portion of 2018, even if they weren't enrolled in your Blue Cross Blue Shield of Massachusetts plan or didn't live in Massachusetts.
12	Does this mean my company might be considered a large group for MLR purposes, and a small group for other purposes?	Yes. Because the definitions of employer size are different for various federal laws and programs, your organization might be classified differently for different purposes.
13	If my company is due a rebate, when will I receive it?	If your company is due a rebate for 2019, Blue Cross Blue Shield of Massachusetts will issue a rebate on your premium in time for you to distribute rebates to employees by September 30, 2020.

