



IRS-SSA-CMS Data Match Employer Reporting Requirement Suspended

Issue Date: July 2018

The Centers for Medicare & Medicaid Services (CMS) has suspended the IRS-SSA-CMS Data Match employer reporting requirement. The data match program was designed to help CMS identify Medicare-eligible individuals who also had access to employer-sponsored benefits. The CMS data match reporting website has been shut down, and CMS will no longer send letters to employers requesting employee and participant data.

Background

Congress enacted a law (Section 6202 of the Omnibus Budget Reconciliation Act of 1989) to provide CMS with better information about Medicare beneficiaries' group health plan (GHP) coverage. The law required the Internal Revenue Service (IRS), the Social Security Administration (SSA), and CMS to share information that each agency had about whether Medicare beneficiaries or their spouses were working. The process for sharing this information was called the IRS-SSA-CMS Data Match. The purpose of the Data Match was to identify situations in which another payer might have been primary to Medicare.

Under the program, employers were required to provide CMS with information about health coverage of their Medicare-eligible workers and spouses. CMS would send a questionnaire to employers requiring the employer to provide certain participant data. To respond to the data request, the employer was required to set up an account with CMS. Once the account was activated, the employer was required to provide information about their health plan and to answer questions about relevant employees and participants.

Program Suspended

Subsequently, the Medicare Access and CHIP Reauthorization Act (MACRA) amended some of the Medicare Secondary Payer provisions of the Social Security Act to no longer require this information. Consequently, the IRS-SSA-CMS Data Match program has been discontinued.

Although the IRS-SSA-CMS Data Match process has ended, CMS encourages employers to consider entering into an Employer Voluntary Data Sharing Agreement (VDSA) with CMS to exchange GHP and Medicare entitlement data. Some large employers have already entered into VDSAs with CMS to share coverage information. For more information on the VDSA program, see the Voluntary Data Sharing Agreement page at <https://www.cms.gov/Medicare/Coordination-of-Benefits-and-Recovery/EmployerServices/IRS-SSA-CMS-Data-Match.html>.

Please be aware that this does not represent legal or tax advice and is only Frenkel's interpretation of the laws, regulations and statutes. It is highly recommended that you seek the advice of your legal and tax professional as to the applicability of this information to your particular situation.