HIPAA Transactions
The Next Generation

10 April 2006

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Intelligently Linking Information Systems

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Today's Session

Objective: Provide information that allows impacted organizations to track and participate in future HIPAA transactions activities; thereby managing their futures

Topics:

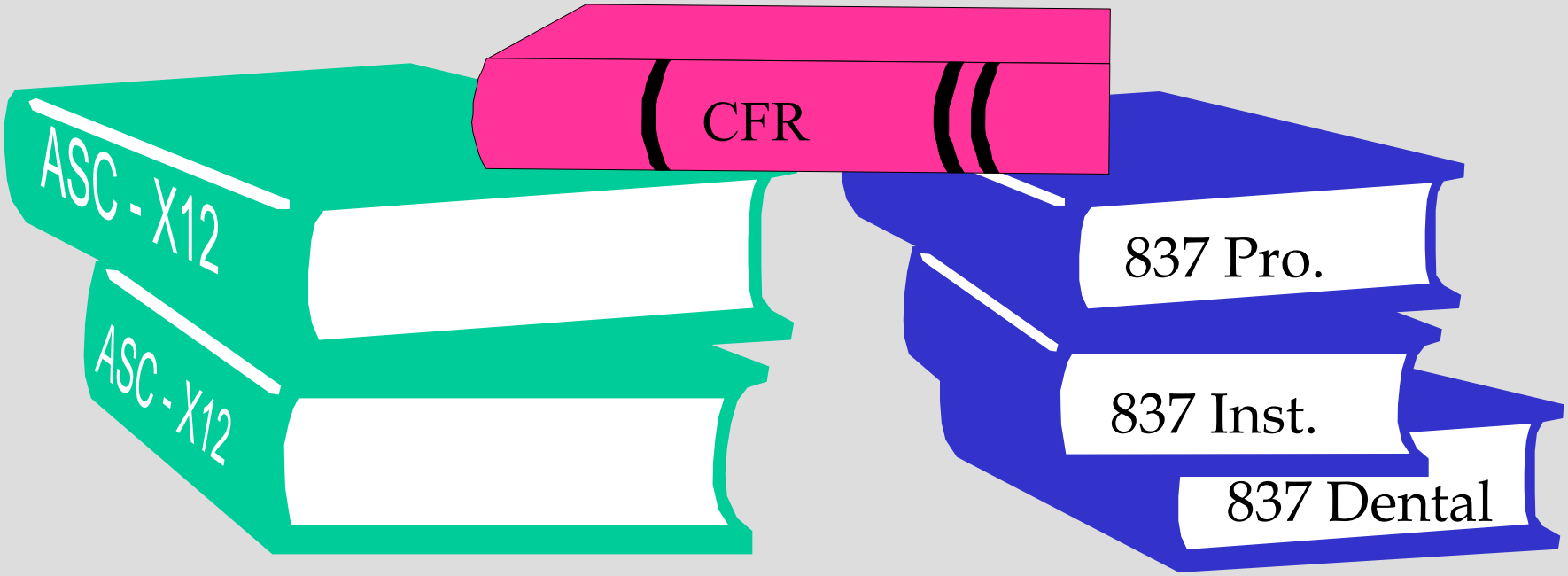
- ✓ Materials Used in HIPAA Transactions
- ✓ Processes for Creating Materials
- ✓ Status, Predictions, and Key Issues
- ✓ Obtaining Further Information

Caveats

For clarity and simplicity,
today's discussion primarily illustrates
the ANSI SDO processes of
Accredited Standards Committee X12.
Similar but differing processes also exist
at other HIPAA SSO's.

The predictions contained in today's presentation are solely those of the author and do not represent the views, official or unofficial, of anybody else.

Materials



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HIPAA Transactions Specifications

- Mandatory **Federal Regulations** [“Rules”]

  which “adopt” and promulgate

- Voluntarily published X12 (and equivalent)
  Type 3 Technical Reports (TR3’s)
  a.k.a. **“HIPAA Standards”**

  which define precise uses of

- Voluntarily published **X12 Standards**

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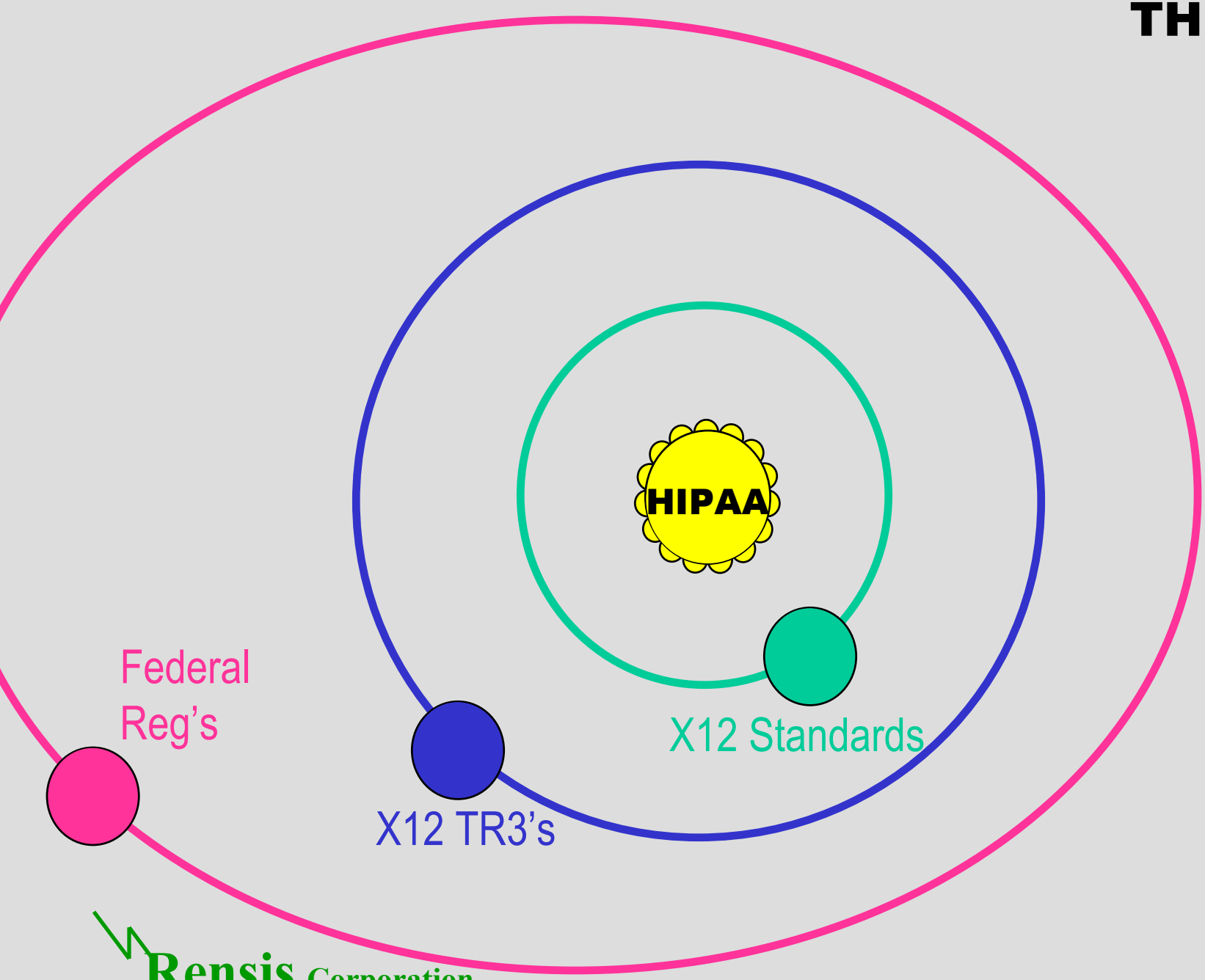
Note: X12 Type 3 Technical Reports are presently known as Implementation Guides

THE HIPAA SOLAR SYSTEM



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X12 Standards

- Publication Cycle — 3 times a year
- Publisher — Data Interchange Standards Association
- Governing Materials — Standing Doc. 2 (SD2)
- Authoring Entities — X12N Workgroups
- Supporting Entities — X12N / TG8 (Architecture)
X12J (Tech. Assessment)
Procedures Review Board (PRB)

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X12 Type 3 Technical Reports

- Publication Cycle — not yet fully stabilized, trying for every 2 years
- Publisher — Washington Publishing Co.
- Governing Materials — IG Handbooks
- Authoring Entities — X12N Workgroups
- Supporting Entities — X12N / TG4 (IG Coord.)
X12J (Tech. Assessment)

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Note: X12 Type 3 Technical Reports are presently known as Implementation Guides

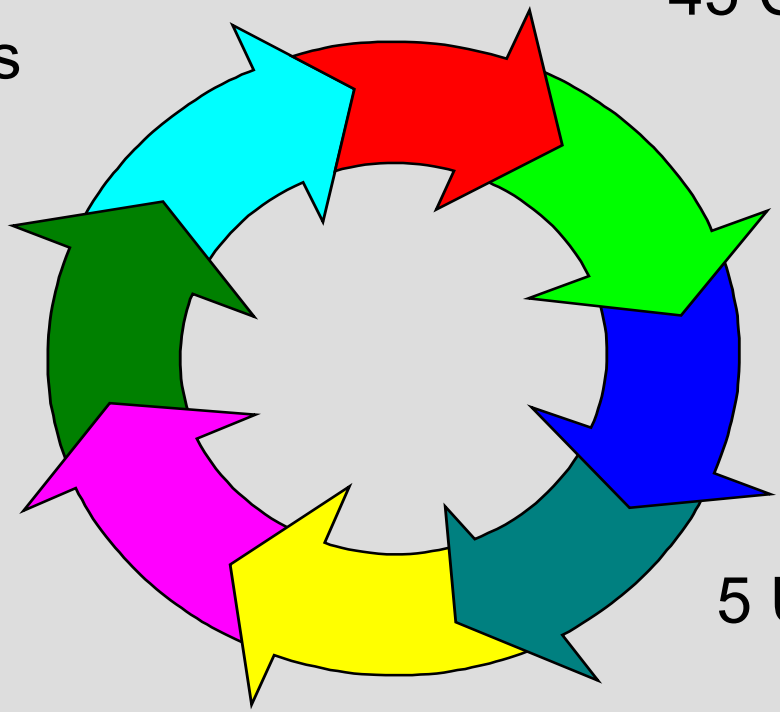
Federal Regulations

• Publication Cycle	as recommended
• Publisher	Government Printing Office
• Governing Materials	HIPAA Legislation Administrative Procedures Act Paperwork Reduction Act
• Authoring Entity	CMS' Office of eHealth Stds.
• Supporting Entities	DSMO Steering Committee NCVHS

Processes

45 CFR 160.500-572

IG Handbooks



EO 12866

SD2

DSMO MOU

42 USC 1320d

5 USC 551-553, 808

45 CFR 162.910

63 FR 88, pp 25274-25294

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Transactions Processes

- Updating and creating new X12 standards; including internal code lists
- Creating and modifying Type 3 Technical Reports (TR3's); including internal code lists subsets
- Adopting TR3's for HIPAA

Updating Standards

- X12 has two formal processes documented in Standing Document 2 (SD2)
  - Data Maintenance (DM)
    - For message structure, format, data element definitions, and internal code lists values
    - Can take many months or years
  - Code Maintenance Request (CMR)
    - For internal code lists values only
    - Expedited process to speed-up changes
    - Can still take 4 – 8 months

Creating and Modifying TR3's

- X12N process summary
  - Work groups within authoring task groups, in conjunction with Washington Publishing Company, establish schedule [including change request cutoff dates for various sources] and then create new TR3's
  - Following internal approvals for technical accuracy and proper process from supporting task groups, work groups commence X12N public comment period for new TR3's

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Creating and Modifying TR3's

- X12N process summary
  - TR3's public comment period occurs
    - were 30 days; but being expanded to approximately 60 days
  - Work groups resolve any issues raised during public comment period and make any needed adjustments to TR3's
  - Work groups hold public Informational Forums during X12 Trimester Meetings to confirm resolved issues and TR3's adjustments

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Creating and Modifying TR3's

- X12N process summary
  - Work groups vote to move TR3's to task group for publication approval
  - Task groups [only TG2 – Healthcare, at present] vote to move TR3's to subcommittee X12N – Insurance for publication approval
  - X12N approves TR3's for publication
  - Any other affected X12 subcommittees approve TR3's for publication [*new for TR3's*]

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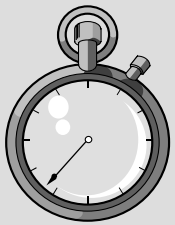
Creating and Modifying TR3's

- X12N process summary
  - X12J – Technical Assessment subcommittee approves TR3's for publication [*new for TR3's*]
  - Procedures Review Board is notified that TR3's are ready for publication [*new for TR3's*]
  - Washington Publishing Company publishes

Creating and Modifying TR3's

- X12N process timing
  - Overall IG and TR3 timing is, at present, variable
  - Focused effort is underway to manage volunteer resources and demands to establish two year TR3 publication cycle
    - Six approval slots every two years
    - Groups of TR3's – HIPAA and non-HIPAA – allocated to each slot on rotating schedule



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Adopting TR3's for HIPAA

Two cycle process – first iteration

- **X12N** proposes new version of published Type 3 Technical Reports (TR3's)
- Designated Standards Maintenance Organizations (**DSMO**) Steering Committee approves new version
- National Committee on Vital and Health Statistics (**NCVHS**) recommends new version

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Adopting TR3's for HIPAA

- Centers for Medicare and Medicaid Services (**CMS**) prepares Notice of Proposed Rule Making (**NPRM**) announcing new version
- Department of Health and Human Services (**DHHS**) clears NPRM
- Other affected federal agencies (e.g., Office of Management and Budget) approve NPRM

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Adopting TR3's for HIPAA

- NPRM is published in Federal Register
- Public comment period occurs
  – normally 60 days
- CMS, with any needed support from DSMO Steering Committee, X12N, *et. al.*, analyzes comments received about NPRM

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Adopting TR3's for HIPAA

Two cycle process – second iteration

- Based on received comments, if necessary, X12N incorporates changes into next published new version of TR3's ?
- DSMO Steering Committee approves new version
- NCVHS recommends new version
- CMS prepares Final Rule promulgating new version

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Adopting TR3's for HIPAA

- DHHS clears Final Rule
- Other affected federal agencies (e.g., OMB) approve Final Rule

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Adopting TR3's for HIPAA

- Final Rule is published in Federal Register
  - Specifies explicit **Effective Date**
    [Effective Date also known as **Adoption Date**]
  - Specifies explicit **Compliance Date(s)**

- For an existing HIPAA standard, any **Effective Date** for a modified standard must be at least 12 months following any previous Effective Date

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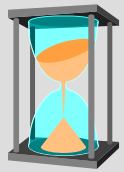
Adopting TR3's for HIPAA

Effective Date occurs no earlier than the end of mandatory Congressional Review period which is normally 60 days

Compliance Date(s)

- **New Standards** – 24 months after Effective Date; small health plans get 36 months
- **Modified Standards** – established within the Final Rule, but must be at least 180 days after Effective Date



Status, Predictions, and Key Issues

as of 15 March 2006

David A. Feinberg, C.D.P.

- Consultant and Teacher -- Healthcare Interfaces and EDI
- Author, “Understanding HIPAA Communications”
- Member, Accredited Standards Committee X12 and its Insurance Subcommittee (X12N)
- Member, Health Level Seven (HL7)
- Co-Chair, X12N HIPAA Implementation Work Group
- Member, HL7 Attachments Special Interest Group (ASIG) and X12N Patient Information Work Group (TG2/WG9)
- Member, HL7 Imaging Integration Special Interest Group (IISIG) and DICOM Image Integration Group (WG20)
- Member, concluded HL7 Master Person Index Mediation Special Interest Group (MPISIG)
- Commercial and Technology Arbitrator, American Arbitration Association

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Transactions Futures

- Claims Attachments
- New Versions of Current Transactions
- Potential New Transactions

Claims Attachments

- Defined by HL7 Attachments Special Interest Group (ASIG) in “Specifications”
- Presently proposed to incorporate XML within EDI; *i.e.,*
  - X12’s 275 transaction … *contains*
    - HL7’s Clinical Document Architecture (CDA R1) … *made up of*
      - Structured data elements,
      - Narrative, unstructured, text, and/or
      - Scanned, non-diagnostic, images [many formats]

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Claims Attachments

- Proposed First Round
  - Ambulance
  - Emergency Department
  - Rehabilitative Services
  - Laboratory Results
  - Medications
  - Clinical Notes

Claims Attachments

- Status
  - NPRM incorporating X12 and HL7 materials published on 9/23/2005; public comment period closed on 1/23/2006
  - First proof of concept pilot project completed
    - Small subset of types, variants, options, choices
    - Not 100% successful
  - Comments on NPRM and lessons from pilot project plus any other proofs of concepts expected to be fed back to update X12 and HL7 materials for use in final rule

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Claims Attachments

- Status
  - Joint X12 – HL7 project being re-started to determine

    what data goes in a claim versus

    what data goes in a claim attachment

New Versions of Current Txns.

- X12 version 004010 + 004010A1 Implementation Guides (IG's)
  - Remain current HIPAA standards
  - X12 web site for obtaining HIPAA IG interpretations opened to public on 11/08/2004

www.x12n.org/portal

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New Versions of Current Txns.

- X12 version 004050 counterpart IG's approved for publication during 2003
  - Contain additional useful explanations that can be applied to current HIPAA standards
  - Not presently planned to be generally proposed as modified HIPAA standards, ***but …***

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v4050 835 IG Proposed for HIPAA

From the HIPAA DSMO change request system site, www.hipaa-dsmo.org/crs

Change Request ID: 1008 Submission Date: 8/30/2004

Request Type: Payment of a Health Care Claim

Business Reason: The later version of 835 Implementation Guide contains additional valuable information that will benefit the industry for those attempting to use the 835.

The Claim Payment workgroup and the Health Care Task Group of ASC X12 Insurance Sub Committee believes that this new guide version 4050 designated X124 should be considered as a candidate for the next HIPAA version of the 835.

Suggested Change: Recommend to NCVHS that the 4050 version of the 835 Implementation Guide (X124) be named as the HIPAA standard.

Copies of the **004050X124** document for the 835 “Health Care Claim Payment/Advice” transaction, may be obtained for a modest fee from www.wpc-edi.com/products/publications

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New Versions of Current Txns.

- Writing of X12 version 005010 counterpart TR3's now underway
  - Changes include
    - Additional useful explanations
    - Accumulated and timely new routine requests
    - National Provider Identifier (NPI) adaptations
    - Modifications to support ICD-10-CM and ICD-10-PCS
  - New change requests now being considered only for subsequent versions (*e.g.*, 005030)

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New Versions of Current Txns.

- Writing of X12 version 005010 counterpart TR3's now underway
  - Public comment periods projected in phases during 2004 - 2006 [see Appendix]
  - Presently targeted for publication in stages during 2005 - 2007
  - Tentatively planned to be proposed for reference in NPRM for modified HIPAA standards: 2006 - 2007 - 2008?!
  - Volunteers welcomed!

Contact me if you'd like further information.

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New Versions of Current Txns.

- But wait! In-preparation Congressional mandate of ICD-10-CM and ICD-10-PCS also mandates 005010 counterpart TR3's
  - Portions of
    - House of Representatives bill HR 4157
    - Senate bill S 1952
  - As *presently drafted*, both bills mandate immediate adoption of 005010 TR3's
    - with legislated compliance date of 1 April 2009
    - without NPRM process
  - Both bills may be seen via http://thomas.loc.gov/

New Versions of Current Txns.
Some Key Issues

- Should the participating organizations (X12, DSMO Steering Committee, NCVHS, OESS … CMS … DHHS) execute their portions of the HIPAA adoption process on a staggered schedule as groups of TR3's are published, or wait until a complete suite (*e.g.*, 005010, 005030) is available?

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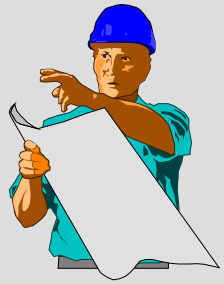
New Versions of Current Txns.
Some Key Issues



- Pilot projects
  - How many, if any, are needed?
  - How comprehensive should they be?
  - How long should they run?
  - When should they be executed in relation to development and adoption process steps?
  - Who will participate? How will participation be arranged and funded?
  - Who will manage and/or consolidate results?

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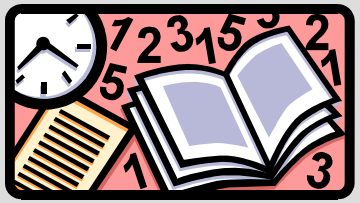
New Versions of Current Txns.
Some Key Issues



- Cost vs. benefit (*i.e.*, return on investment) analyses
  - When and how extensive should any be?
  - Who should perform them?
  - Should HIPAA adoption be done just because new transaction versions are simply necessary to comply with other federal regulations (*e.g.*, NPI, e-prescribing, ICD-10-xx)?
  - Can there ever be a pay-back for moving to new versions of current transactions?

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New Versions of Current Txns.
Some Key Issues

- At what point should the federal government commence its portions of the HIPAA adoption process? What triggers these activities?
- How do the individual DSMO, who are continually developing new materials (*e.g.*, X12 TR3's), interact during the 2+ year federal adoption sequence; especially with comments received from NPRM's?

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New Versions of Current Txns.
Some Key Issues

- Bigger picture, what will be the impacts of
  - e-prescribing transactions standards?
  - Office of the National Coordinator for Health Information Technology (ONCHIT) contract for Standards Coordination and Harmonization?
  - American Health Information Community (AHIC) federal advisory committee?
  - National Healthcare Information Infrastructure (NHII)?
  - Consolidated Health Informatics (CHI) Initiative?
  - …

Potential New Transactions

Acknowledgement [999, 997, 824, 277]
Coordination of Benefit Confirmation [269]
Provider Information [274]
Eligibility / Enrollment Roster [271]
Authorization Attachment [275]
Additional Claims Attachments [HL7 CDA]
...

Any HIPAA adoption activities will only begin by prior industry acceptance, use, and request

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Numbers shown in [ ] are X12 transaction sets

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The Next Generation

Further Information

- Rensis Corporation Seminar:
  "HIPAA TCS – What's Next? Products, Processes, and Prognostications"

- Feinberg's Free Focused HIPAA Mailing List
  Send e-mail request to one or more of
  - DAFeinberg@computer.org
  - HIPAA-TCS-subscribe@yahoogroups.com
  - ShareHIPAA-subscribe@yahoogroups.com

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Further Information

- Other Online Presentations – mostly free:
  www.complyassistant.com/presentations.html

- White Papers on managing never-ending HIPAA TCS, Privacy, and Security compliance
  www.complyassistant.com (left border)

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Comments?

Questions?

Other Thoughts?

Contact Dave Feinberg

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APPENDIX

Healthcare Insurance Applicable Accredited Standards Committee X12 Version 005010 TR3 Public Comment Periods

as of 15 March 2006

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005010 TR3 Public Comment Periods

Actual X12 TR3 Comment Period	HIPAA Counterpart Transactions	Other, beyond HIPAA, Healthcare Transactions
Oct. – Nov. 2004		824 Acknowledgement
Feb. – Mar. 2005	835 Remittance Advice 834 Enrollment 837 Professional Claim 837 Institutional Claim 837 Dental Claim	274 Provider Inquiry – 4050 837 Data Reporting 997 Functional Ack.

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Note: TR3's are presently known as IG's

005010 TR3 Public Comment Periods

Actual X12 TR3 Comment Period	HIPAA Counterpart Transactions	Other, beyond HIPAA, Healthcare Transactions
June – Sept. 2005	820 Premium Payment 278 Auth. Req. Review & Resp.	278 Auth. Serv. Review Notice 278 Auth. Inquiry & Response 269 Benefit Verification 824 Acknowledgement – 4010 274 Provider Inquiry – 4050
Oct. – Dec. 2005		999 Implementation Ack. for Healthcare Insurance

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Note: TR3's are presently known as IG's

005010 TR3 Public Comment Periods

Projected X12 TR3 Comment Period	HIPAA Counterpart Transactions	Other, beyond HIPAA, Healthcare Transactions
Jan. – May 2006	270/271 Eligibility Inq. & Resp. 276/277 Claim Status 820 Premium Payment 834 Enrollment	275 Auth. Attachment 277 Claim Acknowledgement 274 Provider Inquiry – 4050

Informational Forums targeted for 6-7 June at X12 Trimester Meeting in Chicago.
www.x12.org/x12org/meetings/x12trimt/index.cfm

June – Aug. 2006	277 Req. for Additional Info. 275 Claim Attachment
Mar. – May 2007	271 Roster

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Note: TR3's are presently known as IG's

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