HIPAA Transactions
The Next Generations

26 September 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

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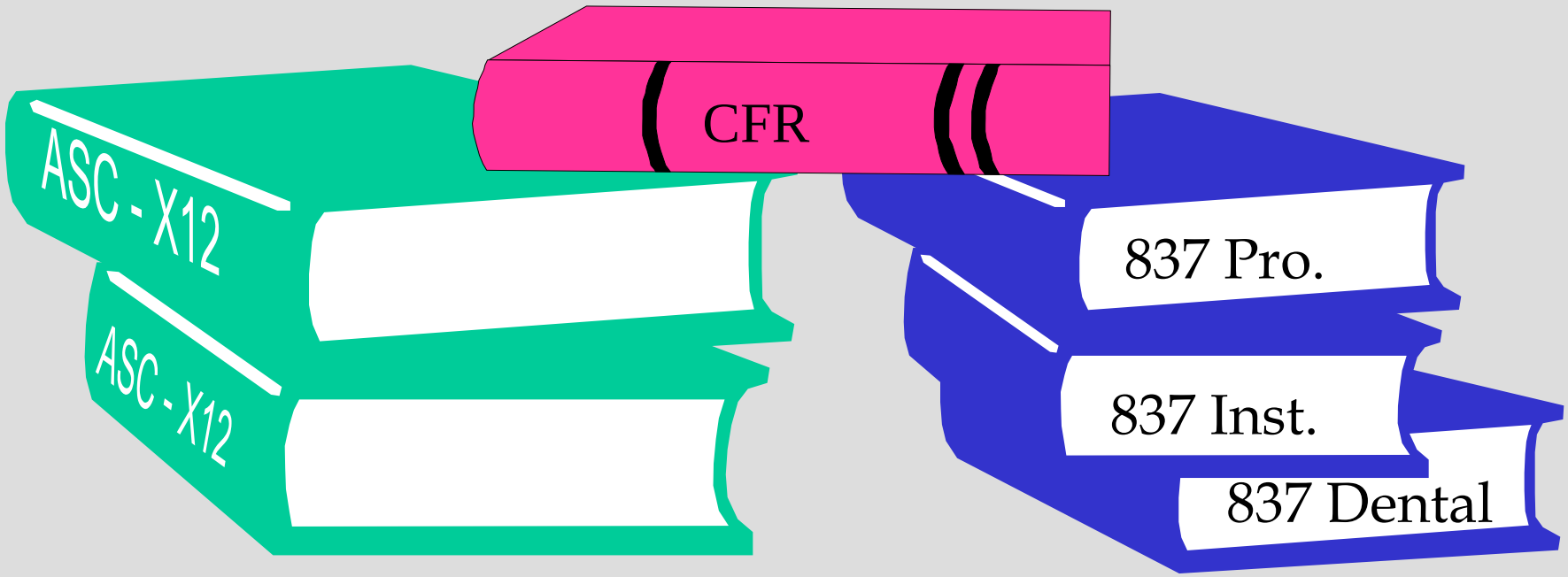
Caveats

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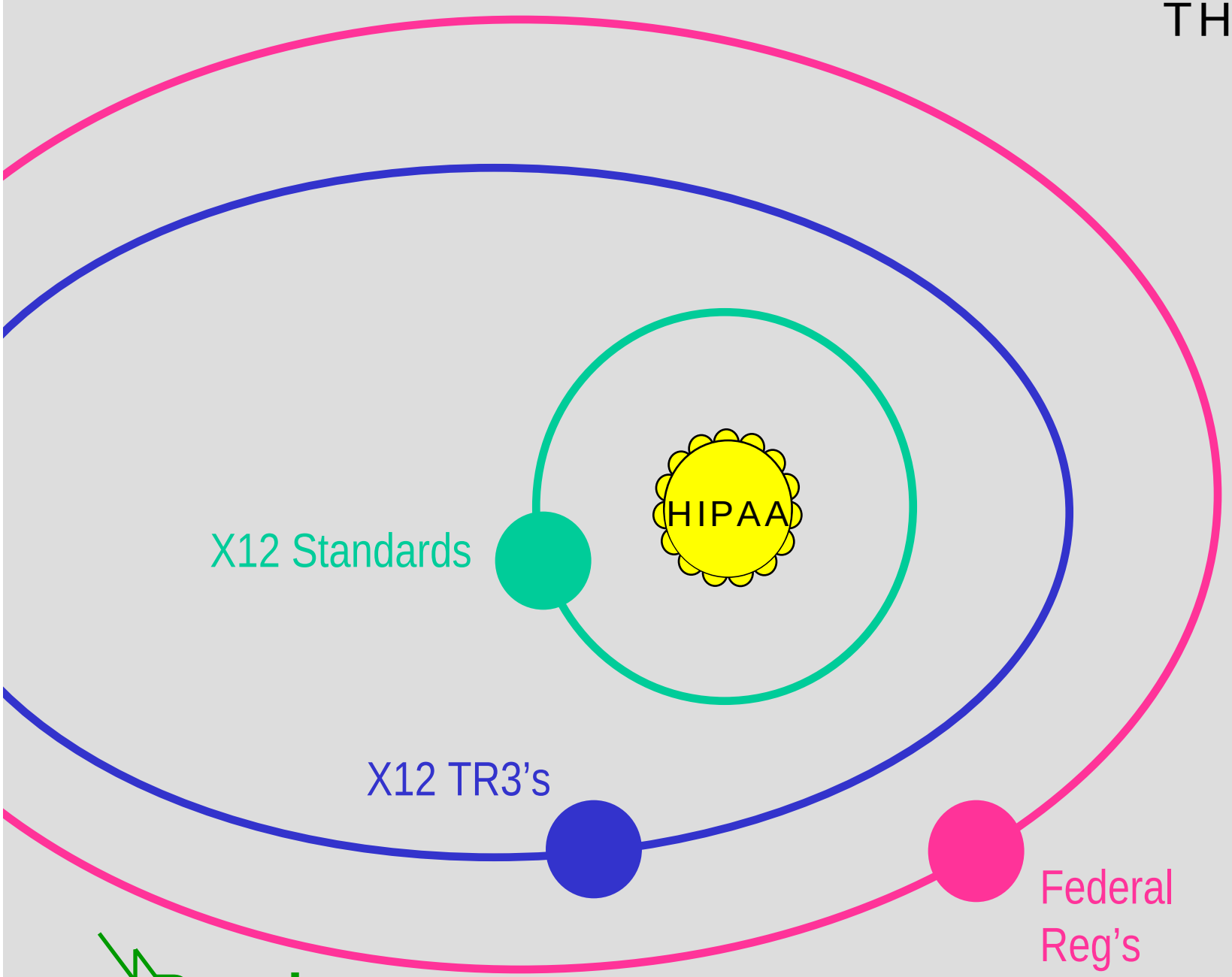
Note: X12 Type 3 Technical Reports are presently known as Implementation Guides

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 — attempted every 2 years, but was too rapid
- 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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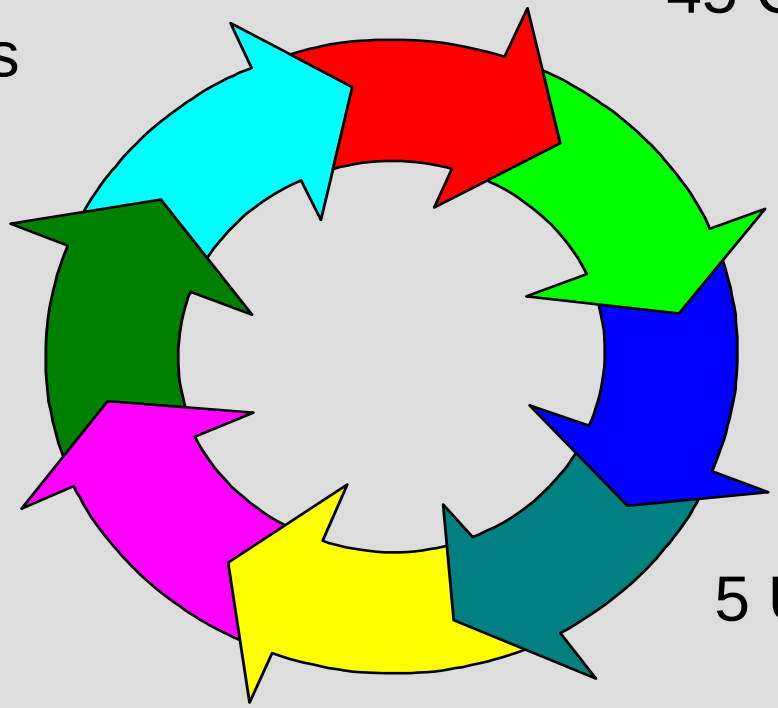
Note: X12 Type 3 Technical Reports are presently known as Implementation Guides

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

EO 12866

DSMO MOU

5 USC 551-553, 808

63 FR 88, pp 25274-25294

45 CFR 162.910

42 USC 1320d

SD2

IG Handbooks

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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
    – targeted for 60 days, but can be 30 – 90
  - 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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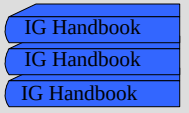
Creating and Modifying TR3's

- 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



Adopting TR3's for HIPAA

- Notice and Comment (NPRM) rule making – process used to date

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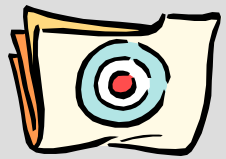
- Legislated – in the works for
  - X12 version 005010
  - NCPDP version as of April, 2007
- Expedited rule making – also in the works for versions beyond Legislated HIPAA transaction standards



NPRM Adoption Process

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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NPRM Adoption Process

- 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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NPRM Adoption Process

- 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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NPRM Adoption Process

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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NPRM Adoption Process

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

Legislated Adoption

- **Congress** passes law requiring use of X12 version 005010 and NCPDP version most current as of April, 2007, for existing HIPAA transactions
- Workgroup for EDI (**WEDI**) prepares costs versus benefits analyses
- CMS prepares Notice promulgating new versions
- DHHS clears Notice

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Legislated Adoption

- Other affected federal agencies (e.g., OMB) approve Notice

Note: as of 8/30/2006 the Legislated Adoption of 005010 and latest version of NCPDP standards was still being debated in Congress.

Expedited Adoption Process

- **X12N** proposes new version of published Type 3 Technical Reports (TR3's)
- Designated Standards Maintenance Organizations (**DSMO**) Steering Committee approves new version
- Workgroup for EDI (**WEDI**) prepares costs versus benefits analyses

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Expedited Adoption Process

- NCVHS recommends new version
- CMS prepares Notice promulgating new version … or rejects recommendation
- DHHS clears Notice
- Other affected federal agencies (e.g., OMB) approve Notice

Note: as of 8/30/2006 the Expedited Adoption Process was still being debated in Congress.

Common Adoption Steps

- Final Rule or Notice 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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Common Adoption Steps

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 30 August 2006

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- 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

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Claims Attachments

- Status
  - Comments on NPRM and lessons from pilot project plus any other proofs of concepts fed back into updates of
    X12 – version 005010 and
    HL7 – CDA R2
    for use in final rule

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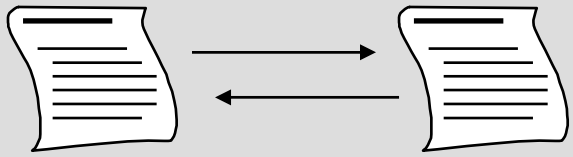
Claims Attachments

- 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 planned to be proposed as modified HIPAA standards – not even 004050X124 for the 835 "Health Care Claim Payment/Advice" transaction that was recommended in 2004

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New Versions of Current Txns.

- Writing of X12 version 005010 counterpart TR3's essentially complete
  - 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.*, 005050)

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New Versions of Current Txns.

- Writing of X12 version 005010 counterpart TR3's essentially complete
  - Public comment periods held in phases during 2005 – 2006
  - Presently either published or targeted for publication no later than the end of 2006
  - First four proposed to DSMO in August batch
    837i **837p** **837d** **835**
    other five will move forward later – all following present NPRM Adoption Process

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New Versions of Current Txns.

- Writing of X12 counterpart version TR3's subsequent to 005010 presently in discussion
  - Version 005050 would be the soonest as some changes to underlying X12 standards needed to be made
  - Cut-off dates for submitting change requests rapidly approaching – whichever version(s) selected: www.hipaa-dsmo.org

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.*,005050, 005060) is again available?

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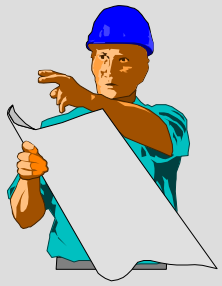
New Versions of Current Txns.
Some Key Issues



- 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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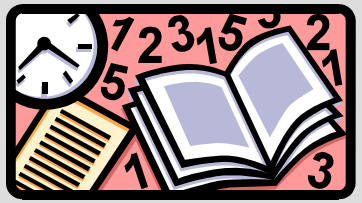
New Versions of Current Txns.
Some Key Issues



- 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 any 2+ year federal NPRM Adoption Process; especially with received public comments?

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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?
  - ...

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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

Rensis Corporation Numbers shown in [ ] are X12 transaction sets

HIPAA Transactions
The Next Generations

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 of
  - DAFeinberg@computer.org
  - HIPAA-TCS-subscribe@yahoogroups.com
  - ShareHIPAA-subscribe@yahoogroups.com

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The Next Generations

Further Information

- Library of Congress reports on in-works bills for Legislated Adoption and Expedited Adoption Process:
  - Portions of
    - House of Representatives bill HR 4157
    - Senate bill S 1952
  - House–Senate Conference on HR 4157 and S 1418
  - http://thomas.loc.gov/

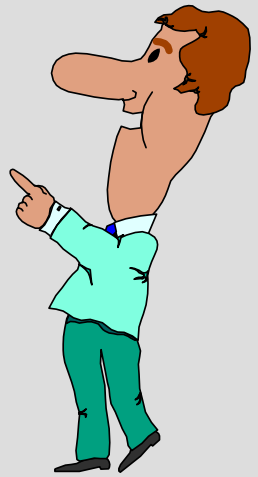
HIPAA Transactions

The Next Generations

Comments?

Questions?

Other Thoughts?



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The Next Generations

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