

Update for 28th National HIPAA Summit

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Administrative Simplification Responsibilities

The **Division of National Standards (DNS)**, within the Department of Health and Human Services, is **responsible for establishing and updating regulations that adopt standards for the electronic exchange of health care transactions**, in accordance with the HIPAA Administrative Simplification statutory provisions.

In addition to issuing regulations regarding HIPAA Administrative Simplification, DNS is responsible for:

- Establishing outreach to and education of HIPAA-covered entities and other stakeholders
- Increasing industry participation in Administrative Simplification



Division of National Standards Status Update

- ☑ **Continued coordinating with our stakeholders at conferences and on workgroups**
- ☑ **Received the NCVHS recommendations on the “predictability roadmap” for modernizing the update and adoption process for standards and operating rules and we are evaluating the recommendations.**
- ☑ **Completed the transaction and operating rule audit pilot**
 - ☑ **DNS will post de-identified results**

Division of National Standards

Status Update

- ☑ **Developed Subregulatory Guidance Communications Plan**
 - In addition to our existing communication methods, we have developed two new tools
 - Administrative Simplification Guidance Letters, and
 - Administrative Simplification Information Bulletins
- Developing a number of regulations
 1. **HPID Repeal**
 2. **NCPDP D.0**
 3. **Health Care Attachments**

NCVHS Predictability Roadmap for Updating and Adopting Standards and Operating Rules

August 2018: Committee developed 23 recommendations, calls to action and measurements focused on the standard development process, the regulatory process, education, enforcement and oversight/evaluation.

December 2018: Hearing with 36 stakeholders in roundtable format to obtain input for development of final recommendations.

February 2019: Recommendation letter with five (5) recommendations sent to Secretary.

2019 NCVHS Work Plan – Re-envision the evaluation process for adopted transaction standards and operating rules. Develop recommendations for “DSMO 2.0.” in collaboration with HHS.

All NCVHS letters and hearing testimony are available on the NCVHS website: <https://ncvhs.hhs.gov>

Introduction of New Administrative Simplification Communication Tools

DNS has established a protocol for developing and issuing guidance documents to bring more timely information and greater clarity to our stakeholders

DNS has developed 3 types of communications:

1. Administrative Simplification Guidance Letters (Go-to Guidance)
2. Administrative Simplification Information Bulletins (Go-to Info)
3. Q&A (Go-to Answers), in addition to existing social media communications

All three types are intended to improve DNS communications and are aligned with the OMB Final Bulletin for Agency Good Guidance Practices

Our messaging through social media and other means will continue

What is Administrative Simplification Subregulatory Guidance?

Subregulatory Guidance letters are used to:

- Explain the Department's interpretation of a statute or regulation
- Address complex policy implementation topics
- Provide technical information regarding the Department's processes and procedures

Benefits of Subregulatory Guidance

Subregulatory Guidance Benefits:

- Keeps industry up-to-date with Administrative Simplification as it applies to the latest advances in technology and business practices
- Allows the Department to be more responsive to recommendations from advisory bodies, questions from the public, changing industry needs, and environmental and technological developments
- Allows the agency to issue guidance documents quickly and allows for greater flexibility



Regulatory Update

Administrative Simplification

Health Care Attachments

The Health Care Attachments proposed rule would:

- Adopt standards for health care attachments transactions and electronic signatures to be used in conjunction with health care attachments transactions
- Adopt operating rules that require acknowledgments to be used for eligibility for health plans, health care claim statuses, and health care electronic funds transfers (EFT) and electronic remittance advice (ERA) transactions
- Adopt acknowledgments transactions standards for the health care claim status, enrollments and disenrollments in health plans, health plan premium payments, coordination of benefits, referral certifications and authorizations, and health care attachments transactions
- Modify the standard for the referral certification and authorization transaction from ASC X12 version 5010 to ASC X12 version 6020

Administrative Simplification

Repeal HPID

- June 2017: NCVHS sent letter to HHS recommending that HPID/OEID be rescinded based on written & oral testimony
- December 19, 2018: HHS published an NPRM to rescind the HPID and automatically deactivate existing identifiers
- March 2019: Comments are being reviewed and considered for incorporation into a final rule; publication expected later this year

Administrative Simplification

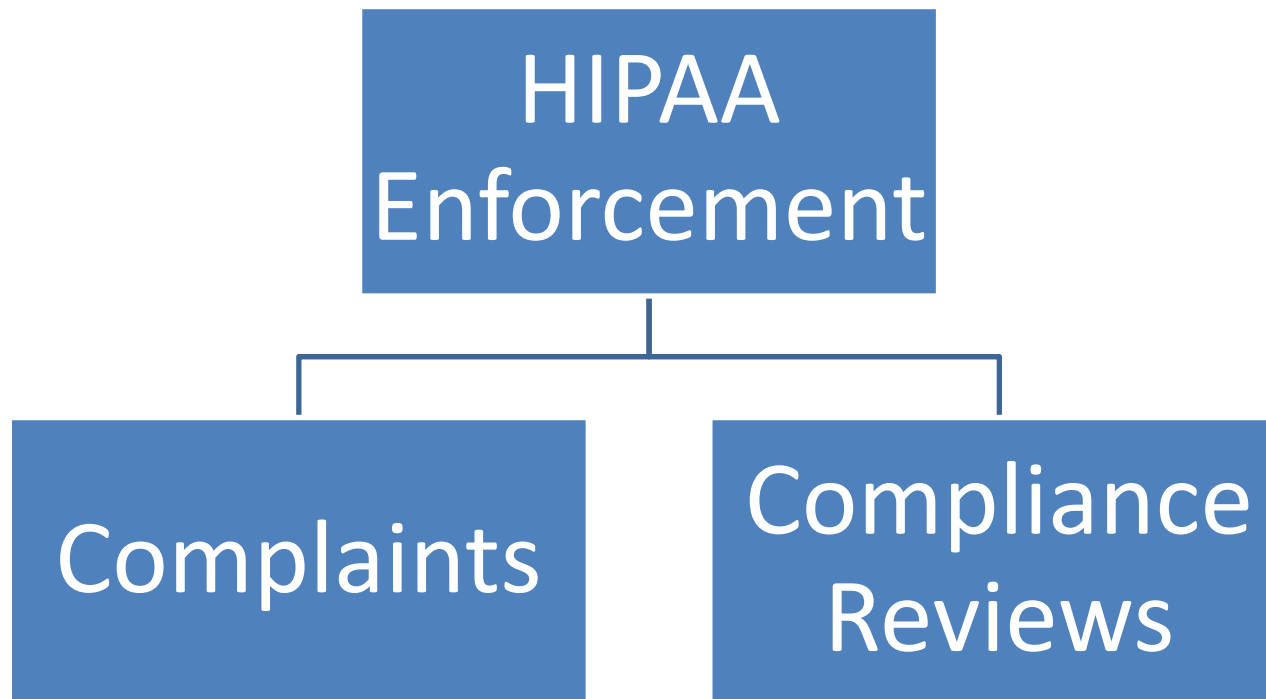
Update of Retail Pharmacy Standards

- This proposed rule would adopt a modification to the use of Telecommunication Standard Implementation Guide, Version D.0, August 2007
- The modification would enable covered entities to clearly distinguish whether a prescription for Schedule II drugs is a “partial fill” in claims where less than the full amount prescribed is dispensed.



Enforcement Program

HIPAA Enforcement Overview



HIPAA Enforcement Education and Outreach

To help the health care industry use electronic standards for administrative transactions, HHS released the following videos:

Enforcing HIPAA Administrative Simplification Requirements

<https://www.youtube.com/watch?v=-9EH2pAo0yQ>

Reaching Compliance with ASETT

<https://www.youtube.com/watch?v=3u1772Bb6Pg&feature=youtu.be>

HIPAA Enforcement ASETT

Enforcement Complaint Tool

- ASETT is a web-based application which enables individuals or organizations to file a HIPAA and/or ACA complaint against a HIPAA covered entity for potential non-compliance with the non-Privacy/Security provisions of HIPAA
- Not for privacy or security complaints
- Allows submission of identifying information about the involved entities, details of the alleged violation, and any supporting documentation from both entities

HIPAA Enforcement

- Complainants have the option to remain anonymous to the filed against entity
- The X-Engine Transaction Testing Tool supports X12 and NCPDP, versions 5010 and D.0, ICD-10 and transaction testing for compliance, syntax and business rules
- The complaint website is <https://htct.hhs.gov/asett/public/home.act>
- ASETT User Guide and Quick Start Guides are available on our website

HIPAA Enforcement Paper Complaint Form

Revised Paper Complaint Form

- Revised version – Updated to mirror ASETT system fields and address comments received from industry stakeholders
- This revised form is printable from CMS.gov under the Regulations & Guidance in the Enforcement section

<https://www.cms.gov/Regulations-and-Guidance/Administrative-simplification/Enforcements/Downloads/ExistingComplaintForm.pdf>

HIPAA Enforcement Reporting

Complaint Statistical Reporting

- We are in the process of revising the type and amount of complaint information that will be posted on the enforcement page of our website
- We welcome industry feedback on the revised reports and posting enforcement statistics
- Expect to see an Information Bulletin announcing the revised reports soon

HIPAA Enforcement Compliance Review Pilot

Compliance Review Pilot

- 4 Clearinghouses and 1 health plan participated
- Providers were not included in the pilot
- Participants were randomly selected from the pool of volunteers
- Testing included all of the standard transactions that an entity conducted
- Entities attested to compliance with the operating rules
- Pilot successfully completed November 2018
- Pilot results will be posted on our website and distributed through an information bulletin in the near future

OPEN DISCUSSION

