

# HIPAA Update

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# Update Issues

- Transactions modifications
- Other regulations
- Covered entities
- Clarifications

# Transactions Modifications

- Modifications published....
- 600 + comments received
- Finals out as soon as possible

# Other Regulations

- Finals in process:
  - Security
  - National Provider Identifier
- NPRMs in preparation:
  - National Payer Identifier
  - Attachments
  - ASCA Waivers and Exclusions
  - Next Transactions modifications

# Covered Entity

- Statute applicable to three groups:
  - Plans
  - Providers
  - Clearinghouses
- Function, not name
- Possible to have multiple functions
- Choice only for PROVIDERS

# Covered Entity Questions

- Status applicable to all HIPAA regulations
- Flow charts coming!
- Hybrid entity status
  - See clarification in Privacy Rule modifications
  - Either component or parent may file ASCA plan

# Small Health Plans

- HIPAA gives one year extension to small health plans for compliance with standards
- Definition at 45 C.F.R. 160.103: annual receipts of \$5 million or less.
- Meaning of receipts for ERISA group health plans
  - Fully insured
  - Self-funded
  - Mixed

# Small Provider

- Not initially defined by HIPAA
- Defined by ASCA
  - Institutional provider with fewer than 25 FTEs
  - Practitioner with fewer than 10 FTEs
- Applies **ONLY** for waiver from ASCA requirement to file Medicare claims electronically after October 16, 2003



# Clarifications

- More than privacy and transactions
- More than Medicare and Medicaid
- HIPAA and:
  - Financial activities
  - ERISA plans
  - Fraud and abuse
  - FERPA

# Questions?

- New FAQ site:
  - [www.cms.hhs.gov/hipaa](http://www.cms.hhs.gov/hipaa)