

Administrative Simplification Enforcement Public Webinar

August 18, 2021



AGENDA

Administrative Simplification Basics

NSG Enforcement

Resources and Questions

Administrative Simplification Basics

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HIPAA Administrative Simplification provisions:

- » Privacy and security
- » Transaction standards, code sets, unique identifiers, and operating rules for electronic transactions
 - *Goal: Save time and money by streamlining communication around billing and insurance-related tasks*



Who's Covered?

HIPAA-covered entities must comply with Administrative Simplification:



Health care providers that transmits transactions electronically



Health plans



Clearinghouses

HIPAA Enforcement Clarification

HIPAA Non-security/Privacy Enforcement By NSG

- » Concerns potential violations of rules for:
 - Electronic transactions
 - Operating rules
 - Code sets
 - Unique identifiers

- » File a complaint through:
 - [Administrative Simplification Enforcement and Testing Tool \(ASETT\)](#)

HIPAA Security/Privacy Enforcement By The Office For Civil Rights

- » Concerns potential violations of:
 - Health information privacy rights
 - Privacy, Security, or Breach Notifications Rules

- » File a complaint through:
 - [OCR Complaint Portal](#)
 - [Health Information Privacy Complaint Package](#)

HIPAA Security/Privacy Enforcement By The Office For Civil Rights

- » Examples of Security/Privacy Violations:
 - Unauthorized access of protected health information (PHI)
 - Unauthorized transmission of PHI
 - Impermissible use or disclosure of PHI

HIPAA Non-security/Privacy Enforcement By NSG

- » Examples of non-security/privacy violations
 - Use of non-standard transactions
 - Incorrect use of unique identifiers
 - Inappropriate use of name or ID number in a transaction
 - Improperly structured information
 - Incorrect use of code sets
 - Failure to conduct a standard transaction

NSG Enforcement

What's Covered?

Standards for:



- » Code sets
 - ICD-10, CPT, HCPCS, CDT, NDC



- » Unique identifiers
 - NPI for providers, EIN for employers



- » Transactions related to billing, insurance, and administrative tasks



- » Operating rules (business rules, like requiring real-time response to inquiry)

What's Covered - Transactions

All covered entities must comply with standards for these transactions:

- » Health care claim X12N 837 transaction
- » Health care claim payment advice X12N 835 transaction
- » Health care claim status request/notification X12N 276/277 transaction
- » Eligibility, coverage, or benefit inquiry/information X12N 270/271 transaction
- » Benefit enrollment and maintenance X12N 834 transaction
- » Health care service review information X12N 278 transaction
- » Payment order/remittance advice X12N 820 transaction

How is it Enforced?

NSG enforces Administrative Simplification standards by:

- » Responding to complaints about noncompliance
- » Conducting proactive compliance reviews



Goals

- » Reduce the burden on compliant entities who conduct transactions with trading partners that aren't compliant
- » Streamline billing and insurance-related functions, allowing providers and health plans to spend less time on these tasks

Complaint-based Enforcement

- » Anyone who believes a HIPAA-covered entity is not complying with transaction, code set, unique identifier, or operating rule requirements can file a complaint.
- » Go to asett.cms.gov to get started (use the Chrome browser)
- » NSG keeps the identities of those filing complaints confidential upon request.

Complaints - Reaching Compliance with ASETT



<https://www.youtube.com/watch?v=3u1772Bb6Pg&list=PLaV7m2-zFKpjHLyLIFZywrelGwWPJB1eE&index=1>

Complaints - ASETT Overview

ASETT is a web-based application that allows you to:

- » Test your transactions
- » Test your trading partners' transactions
- » File complaints
- » Track your complaint status

Learn more about ASETT with these resources:

- » [Quick Start User Guide](#)
- » [User Manual](#)



The screenshot shows the ASETT web application interface. At the top left is the CMS logo. To the right is a navigation menu with links for Home, About ASETT, Contact Us, and Support. Further right are links for Register and Login. The main content area features a large banner with the word "COMPLIANCE" and an illustration of people walking on a path. To the right of the banner is a blue box with the text "ASETT Administrative Simplification Enforcement and Testing Tool" and a description of the application's purpose. Below the banner are two green boxes: "File HIPAA Complaint" and "Test HIPAA Transactions".

File HIPAA Complaint

See the [About ASETT](#) section to learn more about how to file a complaint.

Submit complaints for the following violations:

- Transaction
- Unique Identifier
- Code Sets
- Operating Rules

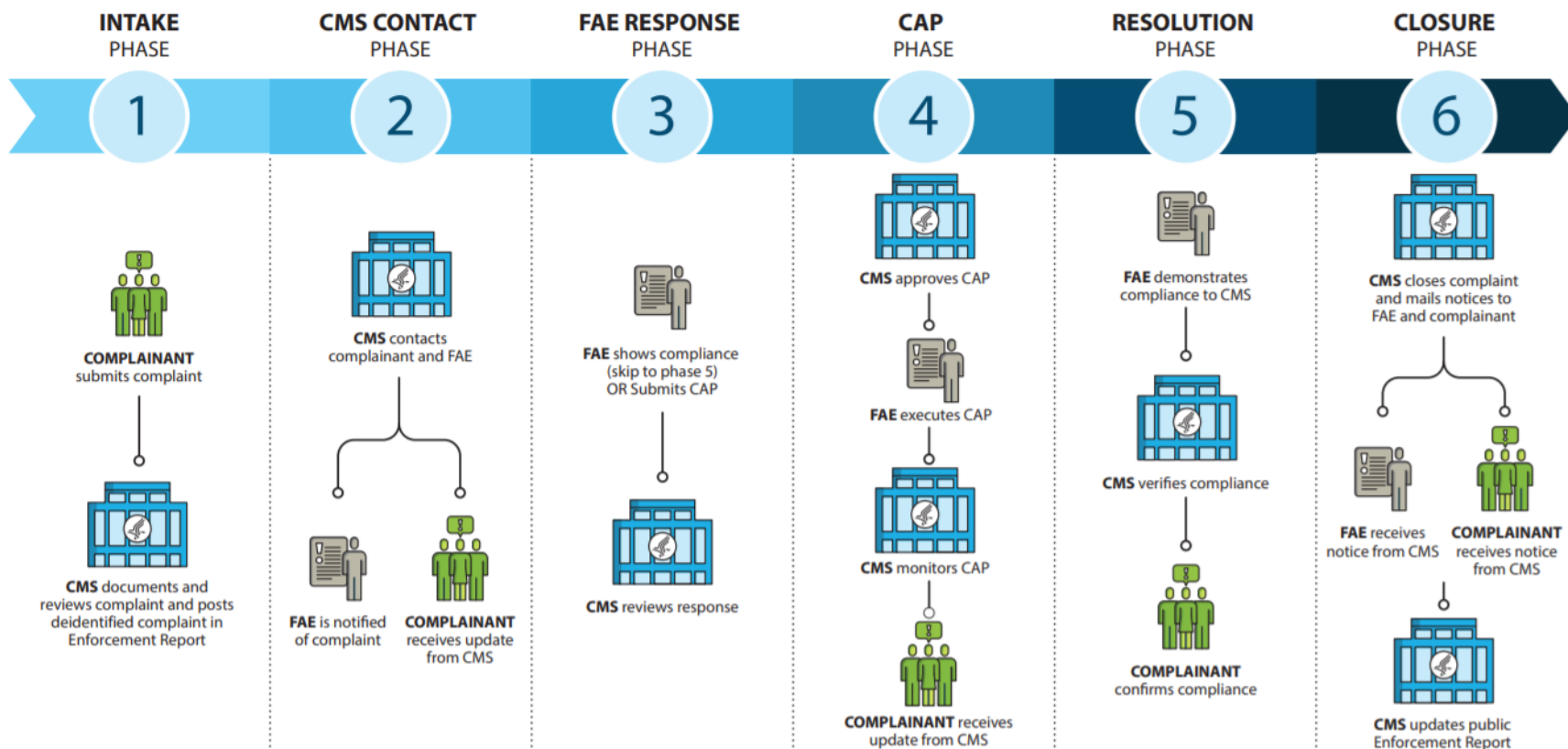
Test HIPAA Transactions

Test Transaction tool allows all transactions to be checked consistently for compliance, syntax and business rules. Validate transactions across various formats including the following:

- ASC X12 5010
- NCPDP D.0
- ICD-10 Diagnostic and procedure codes
- Unique Identifiers

CMS Process for HIPAA Administrative Simplification Complaints

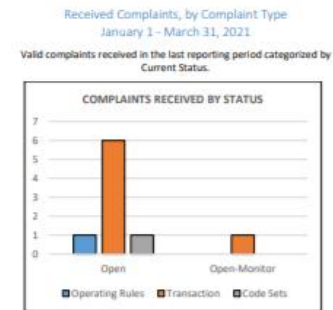
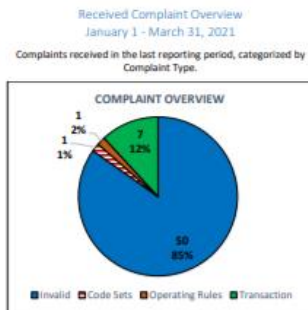
CMS, on behalf of HHS, enforces **HIPAA Administrative Simplification** requirements. CMS **enforcement activities** include processing **complaints** about alleged violations. Anyone can **file a complaint** against a **HIPAA-covered entity**. Here's what happens when a complaint is filed:



Complaint Enforcement Statistics

- » Quarterly enforcement data reports are available on the [HIPAA Enforcement Statistics webpage](#).
- » Stats included:
 - Number, category, and status of complaints received
 - Reasonings for closing complaints
 - Average number of days a complaint spent in each phase
- » In the first quarter of 2021, 85% of the complaints NSG received were not enforceable by HIPAA Administrative Simplification rules

ASETT - Complaints Received 1st Quarter 2021



ASETT also receives complaints that are not enforceable by HIPAA Administrative Simplification Rules. These are labeled "invalid" within our system. Typical examples of invalid complaints could be Quality of Care or Quality of Service complaints. The National Standards Group (NSG) either works with the complainant to locate the appropriate agency to file their complaint or mediates between them and the filed against entity to achieve a resolution.

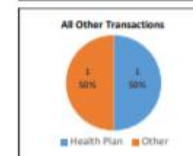
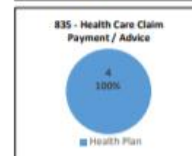
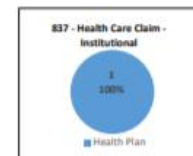
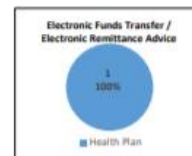
Open – As of the reporting period, this number represents complaints in active status, e.g., outstanding issues remain, additional information is being sought from either the complainant, the filed against entity, or both.

Closed – All issues have been sufficiently resolved.

Corrective Action Plan (CAP) – The written corrective action plan indicates alternative solutions with specific steps to correct the issue(s) and timeframes. Each affected entity under a corrective action plan is in the process of supporting or refuting allegations and/or implementing system updates.

Received Complaints, by Transaction Type
January 1 - March 31, 2021

Complaints received in the last reporting period, categorized by Transaction Type and the filed against entity type.



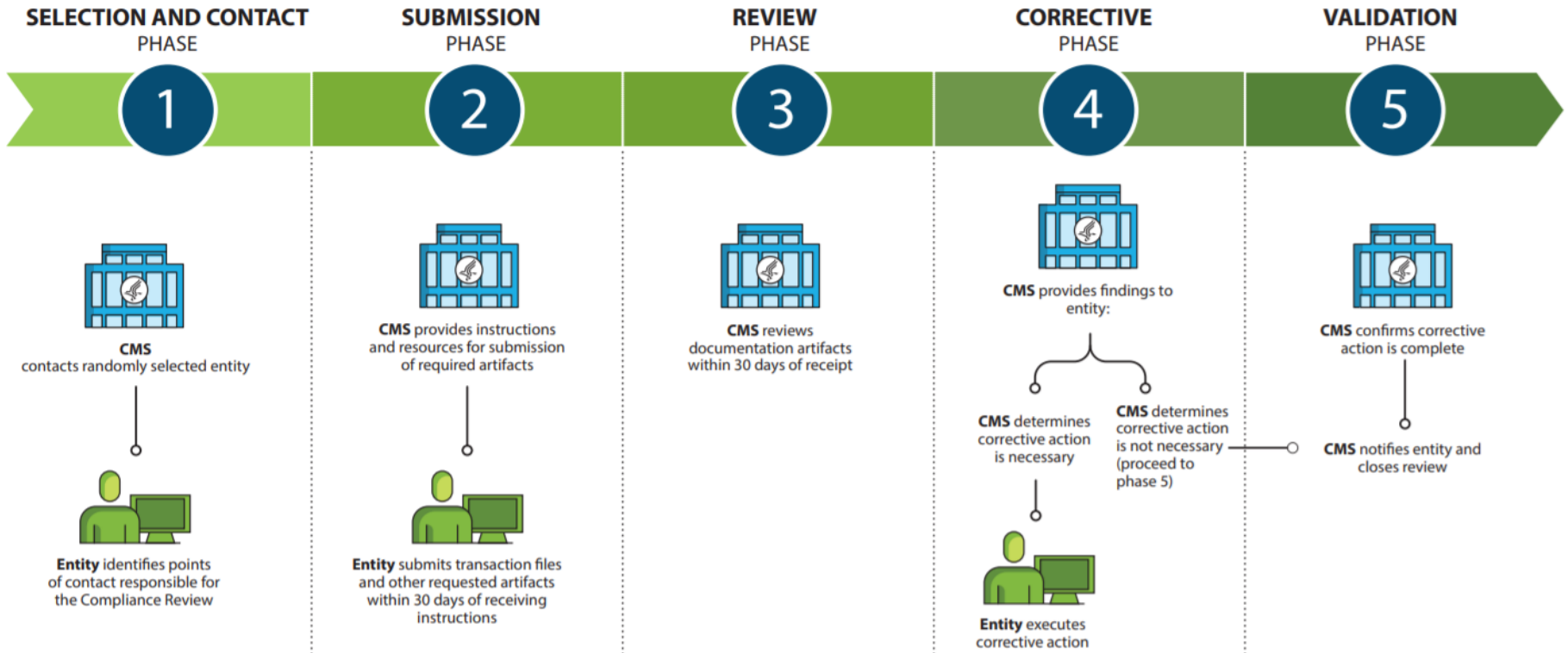
Compliance Review Program

- » The Compliance Review Program conducts periodic reviews with randomly selected entities to assess HIPAA-covered entities' compliance with Administrative Simplification rules.
- » Standards reviewed include:
 - [Transaction formats](#)
 - [Code sets](#)
 - [Unique identifiers](#)
- » Entities will also attest to compliance with [operating rules](#).

CMS Process for HIPAA Administrative Simplification Compliance

CMS, on behalf of HHS, enforces HIPAA **Administrative Simplification** requirements. CMS **enforcement activities** include proactive enforcement through **Compliance Reviews**. Only health plans and clearinghouses are currently subject to Compliance Reviews. A voluntary pilot program for providers is currently under way and should conclude late 2019.

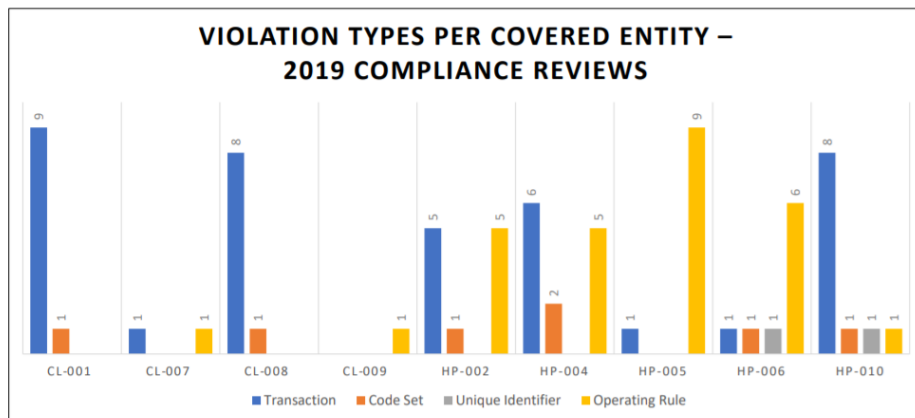
Here's what happens when a HIPAA-covered entity is randomly selected for a review:



How to Prepare for a Compliance Review

For transactions you conduct yourself, you can:

- » [Test your transactions](#) for compliance using [ASETT](#).
- » Verify compliance with [operating rules](#) for eligibility, claims status, and Electronic Funds Transfer (EFT)/Electronic Remittance Advice (ERA).



Code Set – Code Set violations are those found where missing or invalid medical or non-medical codes are used in all transactions
Transaction – Transaction set (e.g., 835, 834, 837) violations are those found where the entity does not follow the published Implementation Guides (TR3s) constructing the electronic file
Operating Rule – Operating Rule violations are identified when an entity attests or demonstrates that they are not complying with the specific business rules or guidelines defined by a specific operating rule
Unique Identifier – Unique Identifier violations are those found with invalid EIN or NPI used in healthcare transactions

Check out the [Prep Steps](#) and [Q&As](#) for additional guidance.

Resources and Questions

Recap

- » NSG only handles alleged HIPAA violations related to:
 - Electronic transactions
 - Operating rules
 - Code sets
 - Unique identifiers
- » NSG's enforcement process is composed of 2 programs:
 - Compliance Review (Proactive)
 - Complaints (Reactive)
- » Visit asett.cms.gov to:
 - Test your transactions
 - Test your trading partners' transactions
 - File complaints
 - Track your complaint status

Educational Materials

- » [Compliance Review Infographic](#)
- » [Compliance Review Program Information Bulletin](#)
- » [Compliance Review Program Q&As](#)
- » [How to File a Complaint Infographic](#)
- » [Complaint Process Infographic](#)

Go.CMS.gov/AdminSimp



The screenshot shows the CMS.gov website interface. At the top, it says "An official website of the United States government" and "Here's how you know". The CMS.gov logo is prominently displayed, along with the text "Centers for Medicare & Medicaid Services". A search bar is located in the top right corner. Below the logo, there are several navigation tabs: Medicare, Medicaid/CHIP, Medicare-Medicaid Coordination, Private Insurance, Innovation Center, Regulations & Guidance, Research, Statistics, Data & Systems, and Outreach & Education. The main content area is titled "Enforcement and Compliance Overview" and features a sidebar with links to "File a Complaint", "How to Test a Transaction", "Compliance Review Program", "HIPAA Enforcement Statistics", "Penalties", and "Enforcement and Compliance FAQs". The main content includes a "Compliance Review Program" section with a gavel icon, an "Optimization Pilot Program Information Bulletin (PDF)" section with a document icon, and a "CMS Compliance Review Program (Video)" section with a video player icon. A list of links for more information is provided at the bottom.

Enforcement and Compliance Overview

Compliance Review Program

The CMS National Standards Group, on behalf of HHS, administers the Compliance Review Program to ensure compliance among covered entities with HIPAA Administrative Simplification rules for electronic health care transactions.

Optimization Pilot Program Information Bulletin (PDF)

In April 2019, HHS randomly selected 9 HIPAA-covered entities—a mix of health plans and clearinghouses—for compliance reviews. HHS piloted the program with health plan and clearinghouse volunteers to streamline the compliance review process and identify any system enhancements. In 2019, providers were able to participate in a separate pilot.

CMS Compliance Review Program (Video)

Watch the CMS video about the Compliance Review Program to learn about why compliance reviews are important for the health care industry and how they are conducted.

More information on the Compliance Review Program:

- [Compliance Review Infographic \(PDF\)](#)
- [Compliance Review Program Information Bulletin \(PDF\)](#)
- [Optimization Pilot Information Bulletin \(PDF\)](#)
- [What to Expect Q&A \(PDF\)](#)
- [Prep Steps \(PDF\)](#)

Q&A

- » You can also email questions, comments, and feedback to:
AdministrativeSimplification@cms.gov.
- » All resources mentioned during this webinar are available on the Admin Simp website: go.cms.gov/AdminSimp.