

## Status HIPAA Regulations (Updated 2/02/04)

TITLE	DESCRIPTION	STATUS
Standards for Electronic Transactions * 65 FR 50311	The final rule adopted the initial standards for transactions and code sets	Published 8/17/2000. Compliance date 10/16/2002 (or 10/16/2003 if compliance extension plan submitted per ASCA).
<b>Medicare Electronic Billing</b>	CMS will publish information for the ASCA requirement that all providers other than small providers must bill Medicare electronically.	NPRM issued August 15, 2003, with 60-day comment period.
Standards for <b>Privacy</b> of Individually Identifiable Health Information * 65 FR 82461	The final rule adopted standards for the privacy of personal health information.	Published 12/28/2000. Compliance date 4/14/2003.
<b>Privacy Guidance</b>	Provides answers to general questions regarding the Standards for Privacy of Individually Identifiable Health Information (the Privacy Rule).	Issued 7/6/2001.
<b>Modifications</b> to Standards for <b>Privacy</b> of Individually Identifiable Health Information *	Rule changes affect: <ul style="list-style-type: none"> <li>• Patient Consents</li> <li>• Referral Appointments</li> <li>• Allowable Communications</li> <li>• Minimum Necessary Scope</li> <li>• Parents' Access to Minor's Information</li> <li>• Marketing Communications</li> </ul>	Published in the Federal Register on 3/27/2002 with comment period closed 4/26.  Finalized update released August 14, 2002.  Compliance date 4/14/2003.
Standard Unique <b>Identifier for Employers</b> CMS-0047-F	This final rule adopts the IRS Employer Identification Number (EIN) as the standard identifier for employers in standard transactions.	Published on 5/31/02 to become effective on 7/30/04.
<b>Security</b> Standards (HIPAA) CMS-0049-F	This final rule adopts standards for the security of health information.	Finalized and becomes effective on 4/21/05.
Standard Unique <b>Health Care Provider Identifier</b> CMS-0045-F	This final rule adopts the NPI as the standard identifier.	Published January 23 <sup>rd</sup> , 2004. Compliance date is May 23, 2007 and providers cannot begin requesting their NPI on May 23, 2005. (see note

		below)
Standard for <b>Claims Attachments</b> CMS-0050-P	This rule proposes to adopt a standard for claims attachments, which frequently accompany health care standard transactions.	In clearance. Estimated publication date for Proposed Rule is in mid 2004.
Standard Unique <b>Health Plan Identifier</b> CMS-4145-P	This preliminary rule proposes the standard health plan identifier.	In clearance. Estimated NPRM publication date – mid 2004.
<b>Modifications</b> to Standards for Electronic <b>Transactions</b>  CMS-0003-P	This proposed rule adopts a newer version of the standard for retail pharmacy claims adopted on August 17, 2000, adopts a revised standard for pharmacy remittance advice and prior authorization, and retracts the NDC code as the standard for drugs in all transactions except retail pharmacies.	Finalized on 2/20/03. Updates include NDC codes, the NCPDP transaction standards and the A1 Addenda for X12 Transactions.
<b>Revisions to Transactions and Code Set Standards</b> for Electronic Transactions CMS-0005-P	This proposed rule adopts modifications recommended by the Designated Standards Maintenance Organizations	Finalized to be effective 10/16/03. A few corrections for typographical errors in the Final Rule were issued on 3/10/03. Next revision anticipated in mid 2004.

Standards are required to be implemented generally within 2 years of the effective date of the final rule. (The effective date of the final rule is generally 60 days after its publication.) The effective date of the final Privacy Rule is 60 days after Congress was officially notified, which happened on Feb. 13, 2001.

\* **Enforcement.** OCR is working on enforcement rules for Privacy. OCR posted detailed guidance explaining significant aspects of the HIPAA privacy rule. The guidance was posted 12/04/02 and can be found on the OCR Web site at: <http://www.hhs.gov/ocr/hipaa/privacy.html>. OCR has released regional office addresses for receiving HIPAA Privacy Complaints. For a listing of OCR regional offices, go to <http://www.hhs.gov/ocr/hipaahealth.pdf>.

CMS has drafted a Transaction Enforcement rule with an anticipated publishing target of late 2003. On 7/24/03, CMS issued the "Guidance on Compliance with HIPAA Transactions and Code Sets After The October 16, 2003, Implementation Deadline" document. To obtain this document online, go to <http://www.cms.hhs.gov/hipaa/hipaa2/guidance-final.pdf>. **The NPRM of the final Enforcement Rule is scheduled to be published in early 2004.**

On August 15, CMS published an interim rule on "Electronic Submission of Medicare Claims" (42 CFR Part 424) in the Federal Registry. This interim rule can be accessed at: [http://www.access.gpo.gov/su\\_docs/fedreg/a031815c.html](http://www.access.gpo.gov/su_docs/fedreg/a031815c.html).

CMS has a HIPAA Electronic Health Care Transactions and Code Sets Complaint Submission Form. To obtain this form online, go to <http://cms.hhs.gov/hipaa/hipaa2/enforcement/default.asp>

On September 23<sup>rd</sup> CMS released their Transaction Contingency Plan to continue to accept existing claim formats until further notice. Refer to the “Guidance on Compliance with HIPAA Transaction and Code Sets after the October 16, 2003, Implementation Deadline” listed above.

CMS’s newly formed OHS (Office of HIPAA Standards), has issued a complaint form to assist healthcare providers, health plans, clearinghouses and other in submitting written complaints regarding the HIPAA Transactions and code sets rule. The OHS has also developed a compliance tool (the ASET Compliance Tool) for the online submission of a complaint form. The form, tool and instructions are available at:

[http://www.cms.hhs.gov/hipaa/hipaa2/enforcement/paper\\_complaint\\_form.pdf](http://www.cms.hhs.gov/hipaa/hipaa2/enforcement/paper_complaint_form.pdf)

The NPI final regulation can be found at:

<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2004/pdf/04-1149.pdf>