



March 23, 2018

Ms. Marietta L. Squire
Committee Management Specialist
Classifications & Public Health Data Standards Staff
Centers for Disease Control & Prevention
National Center for Health Statistics
3311 Toledo Road, Cubicle 2527,
Hyattsville, MD 20782

Dear Ms. Squire:

Thank you for the opportunity to provide comments on the proposed updates in the Health Insurance Portability and Accountability Act (HIPAA) standards requested by the National Council for Prescription Drug Plans (NCPDP). These comments are offered on behalf of the Centers for Medicare & Medicaid Services (CMS) Medicare Drug Benefit and C & D Data Group (MDBG).

The NCPDP is requesting an update to the HIPAA named Telecommunication Standard. MBDG appreciates the many enhancements that are included in Version F2 and is supportive of the NCPDP's request to name the new standard. We also support the Batch Standard Implementation Guide version 15, which supports the Telecommunication Standard version F2 in a batch mode. These standards provide benefits for the industry in the form of improved process simplification and efficiencies. They would also help the industry identify enrollees in federal health programs so that those beneficiaries will not be offered manufacturer copay assistance coupons. This is important in view of a Special Advisory Bulletin, issued by the Health and Human Services' Office of Inspector General which noted that industry stakeholders may be liable under the anti-kickback statute (Social Security Act §1128B(b)) if they offer coupons to induce the purchase of drugs paid for by federal health care programs, including Medicare Part D ("Part D").¹

We are also in favor of the proposed new Subrogation Implementation Guide that would replace the Medicaid Subrogation Standard Implementation Guide. If approved, the Subrogation Implementation Guide for Batch Standard version 10 would be named in HIPAA to replace the Medicaid Subrogation Standard Implementation Guide, version 3.0 for Medicaid use only. A subrogation standard which addresses other payers, such as Medicare Part D, state pharmaceutical plans and private health plans would be a large step

¹ See <http://oig.hhs.gov/oei/reports/oei-05-12-00540.asp>.

forward for the industry. We believe that a standardized approach to subrogation would reduce the manual processes to which plans and pharmacies are currently bound. It will also allow better tracking of subrogation efforts and results, a capability which currently doesn't exist. Finally it will undoubtedly improve payment accuracy and support cost containment efforts.

We encourage National Committee on Vital and Health Statistics to approve both NCPDP requests. CMS also supports implementation timeframes recommended by NCPDP which will allow the industry time to comply with the new standards.

Again, thank you for the opportunity to submit our comments. Should you have any questions about this letter please feel free to contact Shelly Winston at shelly.winston@cms.hhs.gov or 410-786-3694.

Sincerely,

A handwritten signature in black ink, appearing to read 'Amy Larrick Chavez-Valdez', is written over a horizontal line. The signature is stylized and extends across the width of the line.

Amy Larrick Chavez-Valdez
Director, Medicare Drug Benefit and C & D Data
Group Centers for Medicare and Medicaid Services