

Date: December 6, 2018

From: Laurie Burckhardt, current DSMO chair

Subject: DSMO general comments on NCVHS Predictability Roadmap Draft Recommendations

This document contains DSMO's general comments in response to the NCVHS Predictability Roadmap Draft Recommendations and will be following up with a formal letter after the December meeting.

**Roadmap Recommendation 3:** HHS should disband the Designated Standards Maintenance Organization (DSMO) and work with its current members for an organized transition.

**DSMO Comment:** During the many organizational meetings around the Predictability Roadmap, many have stated the DSMO failed or did not do its' job. The 6 DSMO organizations vehemently disagree with these statements. The DSMO has been successful and done their job per the MOU. In the beginning the DSMO performed an important function managing HIPAA standard change requests and coordinating activities of the standards bodies and data content committees. Currently this coordination happens among the standards bodies and data content committees with their respective liaisons and no longer needs this additional oversight.

What functions were not met resulting in the elimination of the organization and replacing with something else? Could the current DSMO structure be the starting of the new entity with modifications determined necessary?

If the DSMO or another entity could take on additional work if it known what the work is, as the authority to perform the work as well as the resources available. An update to the MOU would be necessary as well as an expansion of memberships would need to be considered. Currently only items related to previous named HIPAA transactions are submitted through the DSMO and suggest streamlining a one method process for all to follow regardless if it is an update to an existing HIPAA transaction, a new transaction for consideration to be named or an Operating Rule.

All changes are addressed by the DSMO at the time TR3 is sent to DSMO to move forward. When individual change requests are sent to the DSMO, they are processed within the 90-day time frame (minimum can be longer if extension is needed) which does add time to an elongated process.

In September 2011, DSMO submitted 4 recommendations to NCVHS for consideration which has been sent with the comments.

**Roadmap Recommendation 4:** HHS should enable the creation of an entity tasked with oversight and governance (stewardship) of the standards development processes, including the evaluation of new HIPAA standards and operating rules. HHS should provide financial and/or operational support to the new entity to ensure its ability to conduct effective intra-industry collaboration, outreach, evaluation, cost benefit analysis and reporting. Oversight criteria would take into account ANSI Essential Requirements for any ANSI accredited organization; these would also provide consistency to governance of all standards and operating rule entities.

**DSMO Comment:** It is the DSMO' opinion that it is outside the scope of DSMO or any new entity to be given the task of oversight and governance of the standards development process as each standards organization has its own process and requirements to follow as part of their ANSI accreditation.

DSMO does agree with DSMO/new entity to be given the oversight of evaluating existing and new HIPAA standards including operating rules. Currently only items related to previous named HIPAA transactions are submitted through the DMSO and suggest streamlining a one method process for all to follow regardless if it is an update to an existing HIPAA transaction, a new transaction for consideration to be named or an Operating Rule. As previously mentioned, it is important that the process doesn't add more time that necessary when moving changes forward.

**Roadmap Recommendation 5:** HHS should conduct appropriate rulemaking activities to give authority to a new governing body (replacing the DSMO) to review and approve maintenance and modifications to adopted (or proposed) standards.

**DSMO Comment:** If DSMO is to be replaced, do not disband until new entity has been identified and process has been developed including a transition plan.

The current DSMO or new entity will have a role in this process and will need to make sure it does not negatively impact the timeline for standards organizations. Is 90 days too long? Do we need to be more proactive? Do we need to be engaged at a certain time in the development process? If the process is streamlined, how do we integrate this into the standards organizations' process?