



National Committee on Vital and Health Statistics  
Advising the HHS Secretary on National Health Information Policy

**Subcommittee on Standards  
Proposed Operating Rules for  
Standard Transactions for Prior Authorization and  
Connectivity for certain adopted standard  
transactions**

**August 25-26, 2020**

# Co-Chair Introduction



## **1. Hearing agenda – today and tomorrow**

- Prior authorization rules (today)
- Connectivity rule (tomorrow)

## **2. Background and NCVHS' role in making recommendations**

- Previous NCVHS recommendations

## **3. Overview of evaluation strategy and criteria**

## **4. Process for today: level-set then testimony with Q&A**

# Role of NCVHS for Operating Rules



- 1. The Affordable Care Act amended the HIPAA statute and requires the Secretary of HHS to adopt operating rules for each standard transaction.**
- 2. NCVHS role to recommend operating rules for adoption:**
  - Advise the Secretary as to whether a nonprofit entity meets certain requirements to serve as an authoring entity for operating rules;
  - Review the operating rules developed and recommended by the nonprofit entity;
  - Determine whether operating rules represent a consensus view of the health care stakeholders and are consistent with and do not conflict with other existing standards;
  - Evaluate whether such operating rules are consistent with electronic standards adopted for health information technology; and
  - Submit to the Secretary a recommendation as to whether the Secretary should adopt such operating rules.

# NCVHS Recommendations to Date



- 1. NCVHS has recommended, and HHS has adopted operating rules for four standard transactions:**
  - Eligibility, Claim Status, Electronic Remittance Advice and Electronic Funds Transfer (EFT).
  - The regulations to adopt and mandate these operating rules were published in 2011 (76 FR 40458) and 2012 (77 FR 1556) respectively.
- 2. In February 2015 and 2016, NCVHS reviewed proposed operating rules for Health Plan Enrollment/Disenrollment, Premium Payment, Prior Authorization and Claims.**
  - Strong support voluntary use. These were not put forward for promulgation.
  - <https://ncvhs.hhs.gov/wp-content/uploads/2018/03/NCVHS-REV-Phase-IV-Ltr-July-1-2016-Final-Chair-CLEAN-for-Submission-Publication-REV-Jul-6.pdf>

# Background for Hearing



1. In February 2020, NCVHS received a letter from CAQH CORE requesting review of three new operating rules to be considered for a recommendation to HHS
  - Two proposed operating rules to support the Prior Authorization standard transaction (X12 278)
  - One operating rule to address connectivity, which would impact all of the adopted HIPAA X12 standard transactions
2. NCVHS requested industry input through a Federal Register Notice, outreach to covered entities asking for written testimony, and invitations to payers, providers, vendors and other stakeholders to participate virtually in the hearing.

# Evaluation Strategy for the Proposed Operating Rules

# General Evaluation Framework and Criteria



**Part 1** - Does the proposed operating rule conform to the requirements?

*(As found in 1173 (A)(4) of the law)*

**Part 2** - Does the proposed operating rule reduce burden?

**Part 3** - Will the US health care system be better off with the proposed operating rule to an extent that exceeds the cost of development and/or implementation?

# Post Hearing Activities / Next Steps



- Consolidate and analyze input (written and oral) from stakeholders
- Subcommittee deliberation
- Subcommittee drafting of recommendations
- Present Subcommittee recommendation(s) to full Committee
- Finalize and send letter to HHS Secretary conveying full Committee decision



# Operating Rules Hearing: Background Resources



## NCVHS Resources:

- <https://ncvhs.hhs.gov/meetings/standards-subcommittee-meeting-2/>
- Original *and* updated CAQH CORE Letter Requesting Consideration of Operating Rules for Adoption
- Questions set for all commenters
- Written public comments received

# Process for the Hearing



## **1. Written testimony reviewed to prepare for today's oral presentations**

- Written comments posted on NCVHS website

## **2. Presenters asked to follow template to highlight themes and to include the following:**

- Anticipated value of the proposed rules
- Anticipated concerns about the proposed operating rules
- Top 3-5 points for NCVHS to consider in its recommendations to HHS regarding potential adoption of the proposed operating rules. *7 minutes.*

## **3. Subcommittee will ask questions after each panel has presented**



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**Panels Begin**