14th NCVHS Report to Congress

Implementation of the Administrative Simplification Provisions of the Health Insurance Portability and Accountability Act of 1996

November 18, 2020

NCVHS Report to Congress: Purpose

- Meet the statutory requirement to report to Congress regularly on the implementation status of the HIPAA administrative simplification provisions.

- Outline ways in which HIPAA needs modernizing to enable the now much-evolved digital health system to more fully support needed improvements and innovation in health care and health while reducing costs and administrative burden.

14th RTC Framing & Approach

Guidance from ASPE: adhere closely to fulfilling Committee's reporting mandate to…address the following subjects, to the extent that the Committee determines appropriate:

A. The extent to which persons required to comply with part C of title XI of the Social Security Act are cooperating in implementing the standards adopted under such part.

B. The extent to which such entities are meeting the security standards adopted under such part and the types of penalties assessed for non-compliance with such standards.

Framing & Approach (continued)

C. Whether the Federal and State governments are receiving information of sufficient quality to meet their responsibilities under such part.

D. Any problems that exist with respect to implementation of such part.

E. The extent to which timetables under such part are being met."

14th RTC Focus

- Activities, reports and letters approved in calendar years 2019 & 2020 related to the reporting mandate.

- Anticipated next steps in the Federal FY 2021 work plan.

NCVHS 2019-2020 Areas of Committee Focus

A. Health Information Privacy Beyond HIPAA Framework Report and Letter to the Secretary

B. ICD-11 Recommendations and related developmental work, i.e., environmental scan and roundtable meeting

C. Culmination of Health T/V work: Criteria for Adoption and Implementation of Health Terminology and Vocabulary Standards, and Guidelines for Curation and Dissemination of these Standards

D. Predictability Roadmap, including collaboration with ONC on convergence of clinical and administrative data and ICAD Task Force

NCVHS 2019-2020 Areas of Committee Focus

E. Collaboration with ONC on convergence of clinical and administrative data through the ICAD Task Force

F. Recommendations for HHS Adoption of Updated NCPDP Standard

G. Review of CAQH CORE's Three Proposed Operating Rules

H. Data Access, Privacy and Security During COVID

Initial Thoughts on Major Themes and Takeaways

- Lack of action on recommendations the Committee has put forth in recent years related to adoption of standards.

- Update on the status of actions put forth in 13th RTC.

- Movements toward integration of administrative and clinical data.

Initial Thoughts from Standards Subcommittee

- Update on the status of NCVHS recommendations on implementation of the HIPAA administrative simplification provisions and the impact of action or inaction on the furtherance of automation.

- Original HIPAA Administrative Simplification regulations have been an accelerant for driving transaction automation and reducing burden on payers and providers.

- The world has changed in multiple ways that challenges the existing regulatory process (continued...)

The world has changed in multiple ways that challenges the existing regulatory process:

- Current regulatory processes and structures present a barrier to improvement instead of an accelerant for updates to HIPAA/ACA administrative standards and operating rules.

- HIPAA created a consistent floor and set of rules for privacy and security...and it has worked relatively well within the context of HIPAA.
  - But now that non-covered entities are more involved in health care data flow, presents new challenges.

- For semantic standards, the pace of knowledge development has increased, yet updates to semantic standards have not kept pace causing greater fragmentation. This has far-reaching effects, from interoperability to artificial intelligence (e.g., decision-making bias)

Initial Thoughts on Major Themes and Takeaways

- Improved care integration, risk management and payment models have made essential a more cohesive and aggressive integration between clinical and administrative functions

- Burden reduction driven by automation and simplification must be looked at and can only be materially advanced by looking across the entire health care ecosystem

- This requires a rethinking of the regulatory framework, partnership between the clinical and administrative standards development and implementation processes and technologies

Initial Thoughts on Major Themes and Takeaways

- Modernization efforts around vital records – birth and death – foundations of Vital Statistics infrastructure. Opportunity to influence advances in NCHS orchestration of state/territorial reporting capabilities? Pandemic has highlighted criticality of the VSS.

- In vital records, important to focus on public health surveillance, in the chain of process. Data that goes into NVDRS...need for better linkages, ways to protect narrative data that's included.

Initial Thoughts on Major Themes and Takeaways

- Bigger role for patient. Patient engagement has changed, with new apps, FHIR, convergence of admin and clinical data, etc.

- The challenge to HIPAA in a pandemic.

- Living with the pandemic. Implications for healthcare data eco-system…health disparities, communications, telehealth, working from home etc.

- Electronic contacting tracing….privacy aspects….privacy policy implications with good data analytics. Challenges from cause of death reporting (e.g., stigma on opioid deaths).

Questions for Discussion

1. **Are these the right points?**

    - Are they articulated appropriately?

2. **What's missing, if anything?**

3. **What additional messages do you want the Report to include?**

Proposed Timeline for Report Development

Fall 2020	• Subcommittees provide input • Executive Subcommittee discussion/guidance • Full Committee meeting: review, discuss, refine
December 2020	• Develop detailed outline • Begin drafting/iterating early versions
Winter 2020/21	• Executive Subcommittee refines • Rounds of iteration and refinement
Spring 2021	• Full Committee reviews, provides input to finalize • Full Committee meets to approve