



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

NCVHS Subcommittee on Standards

Hearing on Proposals from CAQH CORE for Updated and New Operating Rules

January 19, 2022

Purpose of Today's Subcommittee Hearing



- To gather input from industry stakeholders regarding the proposal from **CAQH CORE for updated and new operating rules.**
- This input, together with previously gathered input, will be used to inform Subcommittee recommendations to the HHS Secretary regarding adoption of the proposals.

NCVHS Review Process for Proposed Operating Rules Updates



- Overview presentations by CAQH/CORE to Subcommittee on Standards July 2022
- Collaboration with WEDI, named advisor to HHS in the HIPAA statute:
 - Informational sessions
 - WEDI Industry Survey
 - Member Position Advisory (MPA) Event – November 2022
- Request for Comment published – received over 630 comments
- Consultative conversations with CMS/OBRHI, CMS/NSG and HHS ONC¹
- NCVHS hearing January 18 & 19, 2023 (virtual)

¹ *Centers for Medicare & Medicaid Office of Burden Reduction and Health Informatics; National Standards Group; and Office of the National Coordinator for Health Information Technology (ONC).*

Requested Updates to Adopted Operating Rules under HIPAA



CAQH/CORE Proposed Updates to Adopted Operating Rules:

- Eligibility & Benefits (270/271) Data Content Rule
- Claim Status (276/277) Infrastructure Rule (updates + reference to updated Connectivity rule)
- Payment & Remittance Advice (835) Infrastructure Rule (reference to updated Connectivity rule)
- Eligibility & Benefits (270/271) Infrastructure Rule (updates + reference to updated Connectivity rule)

The letter to NCVHS from CAQH/CORE is available on the NCVHS website: <https://ncvhs.hhs.gov/wp-content/uploads/2022/09/CAQH-CORE-Board-Letter-to-NCVHS-re-New-Updated-OR-052322-508.pdf>

Requested Updates to HIPAA/ACA Operating Rules *(continued)*



Additional proposals from CAQH/CORE for Operating Rules

- Connectivity Rule vC4.0.0 (includes updates to the Connectivity Rule included in existing operating rules)
 - Replaces existing connectivity requirements in infrastructure components of adopted operating rules and adds new requirements to all operating rules
- Eligibility & Benefits (270/271) Single Patient Attribution Data Content Rule
- Attachments Prior Authorization Infrastructure Rule*
- Attachments Prior Authorization Data Content Rule*
- Attachments Health Care Claims Infrastructure Rule*
- Attachments Health Care Claims Data Content Rule*

Background



Per Section 1104 of the Affordable Care Act, which amended Section 1173 of HIPAA, operating rules are business rules and guidelines for the electronic exchange of information that are not defined by a standard or its implementation specifications.

The Secretary shall adopt a single set of operating rules for each transaction, with the goal of creating as much uniformity in the implementation of the electronic standards as possible. Operating rules shall be consensus based and reflect the necessary business rules affecting health plans and health care providers and the manner in which they operate to **support the standards adopted under HIPAA.**

Role of NCVHS in Making Recommendations to HHS on Operating Rules



- 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.

Process and Agenda



1. Today's hearing:

- Presentation by CAQH CORE to describe their request and proposals.
- Panelists representing invited stakeholders from the payer, provider, government, clearinghouse and vendor community will provide input on anticipated value, concerns and other topics of their choosing pertaining to the proposals. Those who were not able to attend were invited to submit comments in writing.
- WEDI will provide a presentation of its findings from an industry survey and member advisory session.

2. Time available for Subcommittee questions at the end of each panel.

3. A public comment period will take place after the break

NCVHS Process



NCVHS is gathering industry input/consensus about:

- Value-add of proposed updates to operating rules
- Benefits and applicability to the HIPAA standards to which operating rules apply (mandatory) and those that may be used voluntarily
- Availability of cost-benefit information for implementing updated operating rules
- Expected business process improvements
- Changes to the companion guide template and the benefits of these changes.
- Implications of proposed operating rules for attachments for claims and for prior authorization
- Impacts of adopting or not adopting the proposed operating rules

After the Hearing



The Subcommittee will:

- Consolidate and analyze input (written and oral) from stakeholders
- Discuss and deliberate
- Draft recommendations
- Present Subcommittee recommendation(s) to full Committee
- Finalize and send letter to HHS Secretary conveying full Committee recommendations

Where to Find NCVHS Materials



All at <https://ncvhs.hhs.gov/>

- Calendars and Agendas
- Membership and Committees
- Recommendations
- Reports
- Meeting Summaries, Recordings and Transcripts
- Responses from HHS
- **Request for Comment (RFC) Submissions and Related Hearing Materials**



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Hearing Begins