

NCVHS Subcommittee Meeting

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Operating Rules in Affordable Care Act

“(T)he necessary business rules and guidelines for the electronic exchange of information that are not defined by a standard or its implementation specifications as adopted for purposes of this part.”

42 U.S. Code § 1320d(9)

Operating Rules in Affordable Care Act cont.

- Secretary shall adopt a single set of operating rules for each transaction with goal of uniformity in implementation of standards
 - Operating Rules shall be **consensus-based** and reflect necessary business rules affecting health plans and healthcare providers
 - Developed by nonprofit entity

Operating Rules in Affordable Care Act cont.

- Secretary shall adopt operating rules following:
 - Consideration of operating rules developed by the non-profit entity
 - Recommendation submitted by NCVHS
 - Ensuring consultation with providers

Note that this is a summary of the requirements. For the full text of the requirements in context see: 42 U.S. Code § 1320d-2(g)

Operating Rules in Affordable Care Act cont.

- Criteria for an Operating rule entity:
 - focuses its mission on administrative simplification
 - demonstrates multi-stake holder and consensus-based process for development of operating rules
 - has a public set of guiding principles that ensure the operating rules and process are open and transparent
 - builds on the transaction standards issued under HIPAA
 - allows for public review and updates of the operating rules

Role of NCVHS in Operating Rules

- Advise the Secretary as to whether a nonprofit entity meets the requirements for operating rule authoring organization
 - Review operating rules developed/recommended by nonprofit entity
- Determine whether such operating rules represent a consensus view of the health care stakeholders
- Determine whether operating rules are consistent with and do not conflict with other existing standards
- Submit to the Secretary a recommendation as to whether the Secretary should adopt such operating rules.

Note that this is a summary of the requirements. For the full text of the requirements in context see: 42 U.S. Code § 1320d-2(g)

Actions That Require Rulemaking

Some proposed actions that would require rulemaking include, but are not limited to:

- Changing the version of Operating Rules specified,
- Adopting operating rules for a transaction that doesn't currently have adopted operating rules, and
- Removing the existing exceptions.

Unless the Operating Rules are changed in regulation, covered entities should comply with the version of the operating rule stated in regulation.

Thank You



Thank you for the opportunity to speak to the subcommittee. Questions from the public may be directed to CMS via email:

AdministrativeSimplification@cms.hhs.gov