

Administrative Simplification Enforcement Public Webinar

November 29, 2023



AGENDA

Administrative Simplification Enforcement Basics –

- NSG's Authority - What does NSG Enforce?
- How is it Enforced and What Entities can be Subject to a Compliance Review or Complaint Investigation?

NSG Complaint Enforcement –

- Intake – If True Would the Allegations Represent Noncompliance?
- The Investigation – What can a Complainant Expect?
- Complaint Closure Rationale

Trending Topics

- Impact of Guidance Letters 2022-03 and 04 on Enforcement
- HIPAA Mandate to Conduct Transactions “as a Standard Transaction”

Resources/Questions

HIPAA Enforcement Clarification

HIPAA Non-security/Privacy Enforcement By NSG

» Potential violations of rules for:

- Electronic transactions
- Operating rules
- Code sets
- Unique identifiers

» File a complaint through:

- [Administrative Simplification Enforcement and Testing Tool \(ASETT\)](#)

HIPAA Security/Privacy Enforcement By The Office For Civil Rights

» Potential violations of:

- Health information privacy rights
- Privacy, Security, or Breach Notifications Rules

» File a complaint through:

- [OCR Complaint Portal](#)
- [Health Information Privacy Complaint Package](#)

How is it Enforced?

NSG enforces Administrative Simplification standards by:

- » Responding to complaints about noncompliance
- » Conducting proactive compliance reviews



Goals

- » Reduce the burden on compliant entities who conduct transactions with trading partners that aren't compliant
- » Streamline billing and insurance-related functions, allowing providers and health plans to spend less time on these tasks

Who's Covered?

HIPAA-covered entities must comply with Administrative Simplification:



Health care
providers that
submit
transactions
electronically



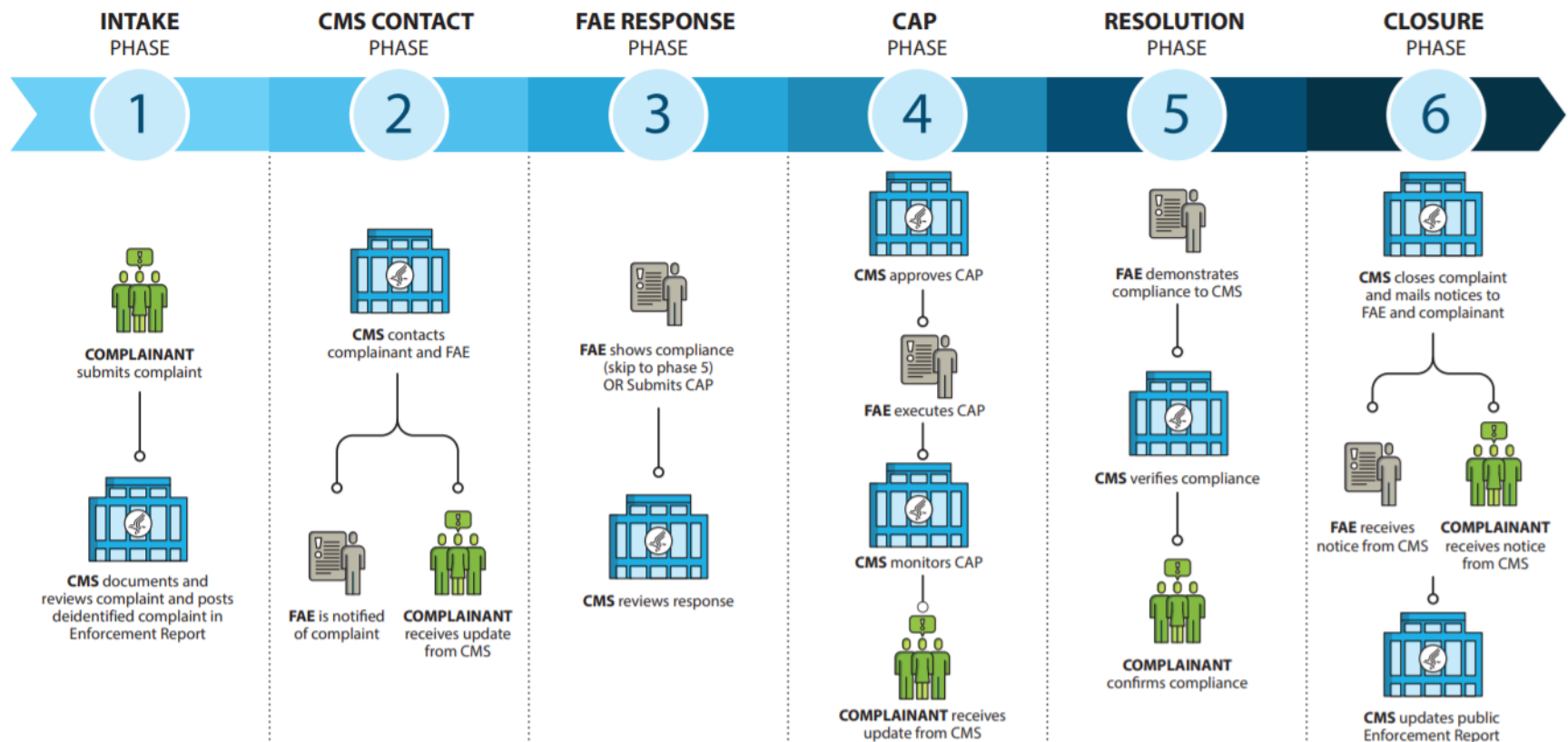
Health
plans



Clearinghouses

CMS Process for HIPAA Administrative Simplification Complaints

CMS, on behalf of HHS, enforces **HIPAA Administrative Simplification** requirements. CMS **enforcement activities** include processing **complaints** about alleged violations. Anyone can **file a complaint** against a **HIPAA-covered entity**. Here's what happens when a complaint is filed:

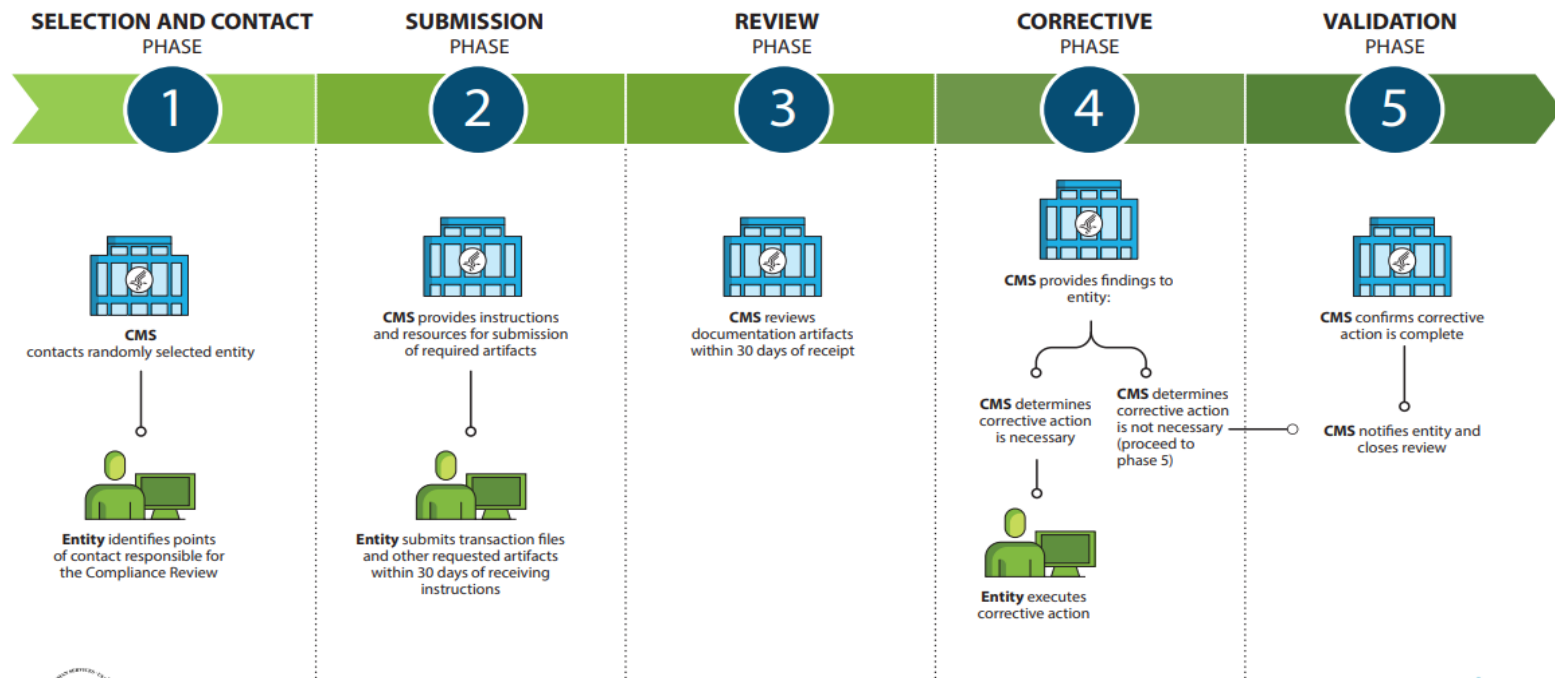


FAE: Filed Against Entity
CAP: Corrective Action Plan

CMS Process for HIPAA Administrative Simplification Compliance

CMS, on behalf of HHS, enforces HIPAA Administrative Simplification requirements. CMS enforcement activities include proactive enforcement through Compliance Reviews.

Here's what happens when a HIPAA-covered entity is randomly selected for a review:



Educational Materials

Enforcement and Compliance

An official website of the United States government [Here's how you know](#)

CMS.gov Centers for Medicare & Medicaid Services

About CMS Newsroom

Medicare Medicaid/CHIP Medicare-Medicaid Coordination Private Insurance Innovation Center Regulations & Guidance Research, Statistics, Data & Systems Outreach & Education




Regulations & Guidance > Administrative Simplification > Enforcement

Admin Simp Overview Guidance Transactions Code Sets Operating Rules **Enforcement** Unique IDs

Enforcement

- File a Complaint
- How to Test a Transaction
- Compliance Review Program
- HIPAA Enforcement Statistics
- Penalties
- Enforcement and Compliance FAQs

Enforcement and Compliance Overview

Compliance Review Program

The CMS National Standards Group, on behalf of HHS, administers the Compliance Review Program to ensure compliance among covered entities with HIPAA Administrative Simplification rules for electronic health care transactions.

[Optimization Pilot Program Information Bulletin \(PDF\)](#)

In April 2019, HHS randomly selected 9 HIPAA-covered entities – a mix of health plans and clearinghouses – for compliance reviews. HHS piloted the program with health plan and clearinghouse volunteers to streamline the compliance review process and identify any system enhancements. In 2019, providers were able to participate in a separate pilot.

[CMS Compliance Review Program \(Video\)](#)

Watch the CMS video about the Compliance Review Program to learn about why compliance reviews are important for the health care industry and how they are conducted.

More information on the Compliance Review Program:

- [Compliance Review Infographic \(PDF\)](#)
- [Compliance Review Program Information Bulletin \(PDF\)](#)
- [Optimization Pilot Information Bulletin \(PDF\)](#)
- [What to Expect Q&A \(PDF\)](#)
- [Preo Steps \(PDF\)](#)

Q&A

- » You can also email questions, comments, and feedback to:
AdministrativeSimplification@cms.gov.
- » All resources mentioned during this webinar are available on the Admin Simp website: go.cms.gov/AdminSimp.