

CHANGE HEALTHCARE REGULATORY AND STANDARDS UPDATE

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Timeline

2020	2021	2022
<p><u>01/01/2020</u> End of Medicare HICN to MBI Transition Period. MBIs must be used in all administrative transactions.</p> <p><u>05/01/2020</u> Final Rules Issued: ONC and CMS on Interoperability, Patient Access, Information Blocking. Compliance deadlines 2020 through 2023.</p> <p><u>11/12/2020</u> Transparency In Coverage Final Rule issued.</p> <p><u>12/27/2020</u> No Surprises Act signed into law.</p>	<p><u>01/21/2021</u> CMS publishes Proposed “Proposed Modifications to the HIPAA Privacy Rule”.</p> <p><u>07/13/2021</u> Interim Final Rule “Requirements Related to Surprise Billing; Part I.”</p> <p><u>09/10/2021</u> NPRM “Reporting Requirements Regarding Air Ambulance Services, Agent and Broker Disclosure Requirements and HHS Enforcement.”</p> <p><u>09/30/2021</u> Interim Final Rule “Requirements Related to Surprise Billing; Part II.”</p>	<p><u>01/19/2022</u> ONC releases USCDI v3 for comment</p> <p><u>01/24/2022</u></p> <ul style="list-style-type: none"> RFI for ePA (electronic Pre-Authorization) issued with 60-day comment period, ending 03/25/2022 <p><u>Anticipated</u></p> <ul style="list-style-type: none"> X12N finalization of version 7030/8020 TR3s; recommend adoption to CMS Final Rule on Attachments CMS to formally launch Compliance Review Program for Providers. Final versions of proposed rules issued 01/21/2021 and 09/10/2021. Additional rulemaking for the remaining No Surprises Act provisions.

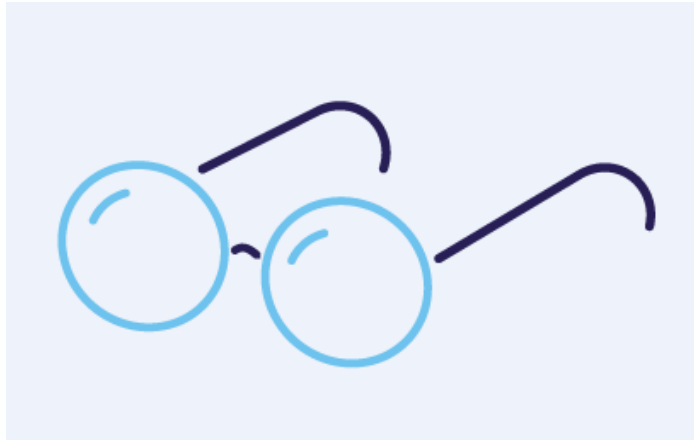
Section 1

ASC X12N VERSION 8020™ FINALIZATION

X12N Version 7030™ – TR3 Development Complete



X12N v7030™ /8010™ /8020™ Finalization



Development of version 7030™ of the X12N Insurance Subcommittee TR3s is now nearing completion* and are available online using X12's Glass viewer.

See X12's Licensing Program for information on accessing Glass.

*HIPAA transaction development is complete

Promotion of Version 7030™ TR3s to Version 8020™

For more information on the Version 8020™ promotion and on the Annual Release Cycle, watch www.X12.org

- ✓ In preparation for a recommendation for adoption of updated TR3s under HIPAA, X12 has been promoting the Version 7030™ HIPAA TR3s to Version 8020™.
- ✓ The promotion to version 8020™ aligned the X12N TR3s with the base X12 Standard version 8020™.
- ✓ From a functional perspective, there will be no substantive changes to the 7030™ TR3s, and no loss of or change to functionality added with 7030™.
- ✓ The promotion of versioning also positions X12 to maintaining their proposed Annual Release Cycle, which began in 2021.

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X12N TR3 Versions 8010™ and 8020™ – Publication Status

- Health Care Eligibility Benefit Inquiry and Response (270/271) – 7030™ Pending Promotion to 8020™
- Benefit Enrollment and Maintenance (834)²
- Health Insurance Exchange: Enrollment (834)¹
- Health Care Claim/Payment Advice (835)²
- Health Care Claim Pending Status Information (277P)¹
- Health Care Claim Acknowledgment (277CA)²
- Health Care Claim Status Request and Response (276/277)²
- Payroll Deducted and Other Group Premium Payment for Insurance Products (820)²
- Additional Information to Support a Health Care Claim or Encounter (275)²
- Health Care Services Request for Review and Response (278RR)²
- Health Care Services Review Inquiry and Response (278IR)¹

- Health Care Services Review – Notification and Acknowledgment (278NA)¹
- Additional Information to Support a Health Care Services Review (275)²
- Health Care Claim: Professional (837P)²
- Health Care Claim: Institutional (837I)²
- Health Care Claim: Dental (837D)²
- Health Care Service: Data Reporting (837R)¹
- Implementation Acknowledgment for Health Care (999) – 7030™ Pending Promotion to 8020™
- Application Reporting for Insurance (824) – Not yet published

Under Non-Versioned Technical Reports>Reference Models (TR2):

- Code Value Usage in Eligibility Benefit Inquiry and Subsequent Response

18010™ 28020™

Recommendation for Federal Adoption



Watch
www.X12.org

- At X12's Winter 2022 Standing Meeting in January, X12 announced that the process of recommending version 8020™ of the HIPAA transactions to the U.S. Department of Health and Human Services (HHS) for adoption under federal regulation will begin this year.
- It is expected that transactions will be recommended in a sequenced manner, based on business priority and logical sets of transactions. Details have not yet been announced.
- In the regulatory workflow, the National Committee on Vital and Health Statistics (NCVHS), advisory body to HHS, will perform the initial assessment, via hearings, ROI/budgetary considerations, and other assessments.
- The NCVHS will then make its recommendations to HHS.

X12 Annual Release Cycle



- X12 is in the process of implementing an Annual Release Cycle (ARC) for X12 products, including the X12N Insurance Subcommittee TR3s.
- The new release cycle will allow X12 to be responsive to today's rapidly-changing business environment.
- Each annual release of the TR3s will be aligned with the base X12 standard, also released annually.
- Releases will occur at the end of each calendar year.
- Public commenting on published versions will be accepted following each publication. Suggested changes will be considered for the next annual release.

X12N – Participation in TR3 Development

Change Healthcare Encourages Your Participation

- Change Healthcare actively participates in the development of the X12N Insurance TR3s.
- All entities are encouraged to participate.
- The X12 Data Maintenance process allows anyone to request a change to a TR3 or the X12 Standard. To submit a Data Maintenance Request, see <https://x12.org/resources/forms/maintenance-requests>.

Section 2

ATTACHMENTS NPRM

Attachments – Overview



Anticipated

- X12N finalization of version 7030/8020 TR3s; recommend adoption to CMS
- Final Rule on Attachments

- The Administrative Simplification provisions under the ACA include adoption of transaction standards and operating rules for Attachments.
- Electronic Attachments are electronic transactions that support the transmission of clinical documentation for claims and prior authorizations which require additional clinical information to in order to adjudicate, such as:
 - Health Care Claims/Encounters (837)
 - Health Care Services Review-Request for Review and Response (278)
- **A proposed rule establishing Attachment Standards and Operating Rules was scheduled for January 2022, per the Unified Agenda of Regulatory and Deregulatory Actions ([RIN 0938-AT38](#)).**

Attachments – Regulatory Roadmap



- NCVHS hearing was held on Feb. 16, 2016, with NCVHS Letter of Recommendation sent to HHS on July 5, 2016.
- Unified Agenda (RIN 0938-AT38) indicated that a proposed rule was scheduled for August 2021 with Public Comment Period.
- Proposed Rule is expected to:
 - Adopt standards for health care attachments transactions and electronic signatures to be used in conjunction with health care attachments transactions.
 - Modify the standard for the referral certification and authorization transaction.
 - Adopt standards for electronic signatures to be used in conjunction with health care attachments transactions.

Attachments – Recommendations

On Feb. 16, 2016, the National Committee on Vital and Health Statistics (NCVHS), advisory body to HHS, conducted hearings on the Attachment standards. The following summary recommendations were made by NCVHS to the Secretary of Health and Human Services in a letter dated July 5, 2016:

- Adopt one standard definition of “Attachment,” and establish the scope of the transaction.
- Adopt a set of mature, implementable electronic standards for the health care industry to execute the Attachments transaction.
- Define a series of transaction process requirements, including consistency with adopted privacy laws and regulations.
- Take an incremental, flexible implementation approach in no less than five years inclusive of rulemaking.
- Broaden the testing, education, outreach and compliance efforts.
- Ensure alignment of the Attachment standard’s regulatory requirements with those adopted for use with Electronic Health Records under the Office of the National Coordinator (ONC) for Health Information Technology’s 2015 Edition Certification of Health Information Technology program (i.e., Meaningful Use) and the Medicare Access CHIP Reauthorization Act of 2015 (MACRA)/Merit-Based Incentive Payment System (MIPS).

To see the NCVHS Letter to the Secretary – Recommendations for the Electronic Health Care Attachment Standard, click [here](#).

Attachments – Change Healthcare Readiness

- Change Healthcare announced breakthrough all-payer medical attachments capability that gives providers the ability to dramatically reduce administrative burden associated with document and data exchange with payers.
 - [Press Release](#)
 - [Podcast](#)
- For more information regarding Change Healthcare's attachments solutions visit:
 - [Medical Attachments](#)
 - [Dental Attachments](#)

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Section 3

CAQH CORE[®] OPERATING RULES

CAQH CORE[®] Operating Rule Restructure

CAQH CORE[®] has restructured their Operating Rules from Phased-based rule sets to a Business Transaction-based model.

- All Operating Rules, including those adopted under federal regulation, have been assigned new Rule numbers and have been repurposed to eliminate references to Phases.
- There were no substantive content changes to any Rules.

For details, see the CAQH CORE[®] website at <https://www.caqh.org/core/new-operating-rule-structure>.

CAQH CORE® Operating Rules – Federally Mandated

Operating Rules	X12 TR3	Rules Define
Eligibility and Benefits	X12/005010X279A1 (270/271)	Data content, Infrastructure, connectivity, response time, companion guide, acknowledgments*. <i>Adopted as Phase I and II.</i>
Claim Status	X12/005010X221A1 (276/277)	Infrastructure, connectivity, response time, companion guide, acknowledgments*. <i>Adopted as Phase II.</i>
Payment & Remittance	X12/005010X221A1 (835) ACH CCD+	Infrastructure, connectivity, response time, companion guide, acknowledgments*, ERA and EFT reassociation, CARC/RARC/CAGC/NCPDP Reject Reason Code uniform use; ERA and EFT enrollment.

* Regulations exclude acknowledgment-related requirements.

CAQH CORE® Operating Rules – Voluntary Adoption

Operating Rules	X12 TR3	Rules Define
Health Care Claims	X12/005010X222A2 (837P) X12/005010X223A3 (837I) X12/005010X224A3 (837D)	Infrastructure, connectivity, response time, companion guide, acknowledgments.
Prior Authorization & Referrals	X12/005010X217 (278)	Data content, proprietary web portal standardization, final determination timeframe, infrastructure, connectivity, response time, companion guide, acknowledgments.
Benefit Enrollment	X12/005010X220A1 (834)	Infrastructure, connectivity, response time, companion guide, acknowledgments.
Premium Payment	X12/005010X218 (820)	Infrastructure, connectivity, response time, companion guide, acknowledgments.

CAQH CORE® Operating Rules – Voluntary Adoption, cont.

Operating Rules	X12 TR3	Rules Define
Patient Attribution (Value-Based Payment)	X12/005010X279A1 (270/271) X12/005010X318 (834)	Single Patient Attribution requirements for the Health Care Eligibility Benefits Inquiry and Response (270/271) Attributed Patient Roster requirements for Member Reporting (834): data content, infrastructure, connectivity, response time, companion guide, acknowledgments.
Connectivity Rule v4.4.0	n/a	An update to prior connectivity rules. Not yet rolled to earlier operating rule sets; see www.cagh.core for additional information.
Attachments: Prior Authorization	X12/005010X217 (278) X12/006020X315 (275) X12/006020X257 (824)	Requirements for Attachments relating to the Health Care Services Review – Request for Review and Response (final ballot issued)
Attachments: Claims	X12/005010X222A2 (837P), X12/005010X223A3 (837I), X12/005010X224A3 (837D) X12/006020X315 (275) X12/006020X257 (824)	Requirements for Attachments relating to the Claims transactions. (final ballot issued)

CAQH CORE® Operating Rules – Voluntary Adoption, cont.

Operating Rules	X12 TR3	Rules Define
Eligibility & Benefits Data Content Updates	X12/005010X279A1 (270/271)	Updates to the Eligibility/Benefits Data Content rule (final ballot issued).
Infrastructure Rule updates	All transactions	Updates to system availability requirements (final ballot issued).

Change Healthcare Operating Rules Readiness



Change Healthcare clearinghouse services are **CORE Phase III Certified**. To become CORE Phase III certified entities must be CORE-certified on the earlier phases. Our CORE Phase III certification serves as Change Healthcare's exhibit of Operating Rule readiness.

The CAQH Committee on Operating Rules for Information Exchange (CAQH CORE®) certifies and awards CORE Certification Seals to entities that create, transmit or use the administrative transactions addressed by applicable Operating Rules. CORE Certification means an entity has demonstrated that its IT system or product is operating in conformance with a specific phase(s) of the Operating Rules.

- Change Healthcare is CORE® Phase I, Phase II, and Phase III certified, as evidenced by our Phase III seal.
- Link to [Change Healthcare's CORE Phase III Seal](#).
- Link to our [CORE Voluntary Certification](#) (Clearinghouses tab).
- Additional information regarding the Change Healthcare Operating Rules program can be found on www.hipaasimplified.com.

Section 4

CMS COMPLIANCE REVIEW PROGRAM

CMS Compliance Review Program

- In late 2017, CMS launched its Optimization Pilot in preparation for a full-scale Compliance Review program

Change Healthcare was selected to participate in the Optimization Pilot and was awarded our Certificate of Completion on Oct. 4, 2018. See [Change Healthcare Accreditations & Certifications](#) for details.

- In April 2019, CMS began its formal Compliance Review program by selecting nine HIPAA-covered entities for compliance reviews. Any health plan or clearinghouse, not just those working with Medicare or Medicaid, can be selected.
- Also in April, CMS launched a volunteer Provider Pilot Program to test the process for reviewing HIPAA Administrative Simplification rules compliance among providers.

For additional information, see <https://www.cms.gov/Regulations-and-Guidance/Administrative-Simplification/Enforcements/Compliance-Review-Program.html>

Section 5

COVID-19

Change Healthcare COVID-19 Updates and Resources Hub

- On April 1, Change Healthcare launched our **COVID-19 Updates and Resources Hub**.
- This is an online source of technology, business, and informational resources to give providers and payers guidance on how to maintain administrative, financial, and operational stability during the COVID-19 pandemic.
- Includes archive of Change Healthcare Customer Service Alerts relevant to COVID-19.
- Guidance Specific to Telehealth Benefits:
<https://www.changehealthcare.com/covid-19/faq-telehealth-benefits-and-coding-for-covid-19>
- See the [press release](#).

Additional COVID-19 Resources

Federal Government Resource Hub

- <https://www.coronavirus.gov/>

CDC Resource Hub

- <https://www.cdc.gov/coronavirus/2019-ncov/index.html>

CMS

- <https://www.cms.gov/About-CMS/Agency-Information/Emergency/EPRO/Current-Emergencies/Current-Emergencies-page>

CMS Waivers & Flexibilities

- <https://www.cms.gov/About-CMS/Agency-Information/Emergency/EPRO/Resources/Waivers-and-flexibilities>

Additional COVID-19 Resources, cont.

AMA

- <https://www.ama-assn.org/delivering-care/public-health/covid-19-2019-novel-coronavirus-resource-center-physicians>
- COVID-19 General Coding: <https://www.ama-assn.org/practice-management/cpt/covid-19-cpt-coding-and-guidance>
- COVID-19 Vaccinations: https://www.ama-assn.org/practice-management/cpt/cpt-codes-new-coronavirus-vaccines-what-you-need-know?gclid=CjwKCAjwqliFBhAHEiwANg9szrusBMLP2-AnPWdOvtEf0Ple45VyLqwGn1s6twbkNporggAFaLeB4BoCtUwQAvD_BwE

AHA

- <https://www.aha.org/2020-01-22-updates-and-resources-novel-coronavirus-2019-cov>

WEDI

- <https://www.wedi.org/2020/03/18/covid-19-resources-information/>

HRSA COVID-19 Uninsured Program

The Health Resources & Services Administration (HRSA) under the U.S. Department of Health and Human Services (HHS) announced a program to provide claims reimbursement to health care providers and facilities for COVID-19 testing and treatment of the uninsured.

Health care providers who have conducted coronavirus 2 testing or provided treatment for uninsured COVID-19 individuals on or after Feb. 4, 2020 can request claims reimbursement through the program electronically and will be reimbursed generally at Medicare rates, subject to available funding.

Effective May 6, 2020, Change Healthcare is accepting claim submissions to the Health Resources & Services Administration (HRSA) COVID-19 Uninsured Program via Payer ID 95964 - COVID-19 HRSA Uninsured Testing and Treatment Fund.

For more information and to get started, visit:

- COVID-19 Claims Reimbursement Website: <https://coviduninsuredclaim.linkhealth.com/>
- COVID-19 Uninsured Program Portal User Guide: <https://chameleoncloud.io/review/2957-5e98adf692326/prod>
- Frequently Asked Questions: <https://www.hrsa.gov/coviduninsuredclaim/frequently-asked-questions>

HRSA COVID-19 Coverage Assistance Fund (CAF)

In May 2021, the Health Resources & Services Administration (HRSA) under the U.S. Department of Health and Human Services (HHS) announced a program to cover the costs of administering COVID-19 vaccines to patients whose health insurance doesn't cover vaccine administration fees, or it does but typically has patient cost-sharing.

While patients cannot be billed directly for COVID-19 vaccine fees, costs to health care providers for administering COVID-19 vaccines to underinsured patients will now be fully covered through CAF, subject to available funding. To be eligible for reimbursement, providers must have first submitted the claim to the individual's health plan for payment and had the claim denied or only partially paid.

Change Healthcare is participating in the CAF program and is actively establishing administrative connectivity.

For more information and to get started, visit:

- COVID-19 Coverage Assistance Fund Website: <https://www.hrsa.gov/covid19-coverage-assistance>
- COVID-19 Coverage Assistance Fund Portal Guide: <https://www.hrsa.gov/sites/default/files/hrsa/coronavirus/caf-provider-portal-guide.pdf>
- Frequently Asked Questions: <https://www.hrsa.gov/covid19-coverage-assistance/frequently-asked-questions>

Section 6

FEDERAL POLICY & REGULATIONS

PRICE TRANSPARENCY

PRICE TRANSPARENCY REQUIREMENTS FOR HOSPITALS FINAL RULE

Price Transparency Requirements for Hospitals

On Nov. 27, 2019, the Price Transparency Requirements for Hospitals to Make Standard Charges Public final rule was published in the *Federal Register* with an effective date of Jan. 1, 2021, which established requirements for hospitals operating in the United States to create, update, and make public a list of their standard charges for the items and services that they provide.

Below is a summary of major provisions:

- Defines a “hospital,” “items and services,” and five types of “standard charges” that hospitals are required to make public. Federally owned/operated facilities are deemed to have met all requirements.
- Establishes requirements for making public a machine-readable file for all items and services provided by the hospital.
- Establishes requirements for making public 300 “shoppable” services that are displayed and packaged in a consumer-friendly manner, plus a policy to deem hospitals that offer internet-based price-estimator tools as having met this requirement.
- Establishes methods for monitoring and actions that would address hospital noncompliance.

More information on the rule can be found [here](#).

TRANSPARENCY IN COVERAGE FINAL RULE

Transparency in Coverage Final Rule

On Nov. 12, 2020, the Transparency in Coverage final rule was published in the *Federal Register* with an effective date of Jan. 11, 2021, with a goal of bringing greater competition to the private healthcare industry.

- Requires most group health plans, health insurance issuers in the group and individual market to disclose price and cost-sharing information to participants, beneficiaries, and enrollees.
- An initial list of 500 shoppable services (determined by CMS) will be required to be available via the internet based self-service tool for plan years beginning on or after Jan. 1, 2023.
 - The remainder of all items and services will be required for these self-service tools for plan years that begin on or after Jan. 1, 2024.
- Most non-grandfathered group health plans or health insurance issuers offering non-grandfathered health insurance coverage in the individual and group markets will be required to make publicly available three separate machine-readable files, including detailed pricing information.
 - Negotiated rates for all covered items and services between the plan or issuer and in-network providers
 - Historical payments to and billed charges from out-of-network providers
 - Detail the in-network negotiated rates and historical net prices for all covered prescription drugs by plan or issuer at the pharmacy location level.

More information on the rule can be found [here](#).

Note enforcement discretion and guidance in the [August 2021 CMS FAQ](#) (questions 1-4)

NO SURPRISES ACT

No Surprises Act – Summary Overview

On Dec. 27, 2020, the No Surprises Act was signed into law as part of the Consolidated Appropriations Act of 2021, Public Law 116-260.

The No Surprises Act seeks to protect consumers from surprise medical bills and includes transparency regarding in-network and out-of-network deductibles, out-of-pocket limitations, and other health plan and provider provisions and patient protections.

Most sections of the act reflect a legislated effective date of Jan. 1, 2022. The departments of Health and Human Services, Treasury, and Labor are developing regulations to implement the many provisions of the act.

Please reference the [Consolidated Appropriations Act of 2021 Bill](#) for the full text of the No Surprises Act provisions.

On August 20, 2021, CMS issued a [Guidance Document](#) which provided FAQs About Affordable Care Act and Consolidated Appropriations Act, 2021 Implementation Part 49

Part I Interim Final Rule

7/13/21: “Requirements Related to Surprise Billing; Part I”

- Published in Federal Register as interim final rule with requests for comments
- Comment window closed on 9/7
- Part I Regs are silent on Section 111 – Advanced EOB

[Federal Register Link](#)

[CMS Fact Sheet](#)

Notable inclusions on Part I, but not limited to:

- Bans balance billing for emergency services. Cost-sharing for emergency services must be determined on an in-network basis.
- Requires that patient cost-sharing, such as copayments, co-insurance, or a deductible, for emergency services and certain non-emergency services provided at an in-network facility cannot be higher than if such services were provided by an in-network provider, and any cost-sharing obligation must be based on in-network provider rates.
- Prohibits OON charges for items or services provided by an OON provider at an in-network facility, unless certain notice and consent is given. Providers and facilities must provide patients with a plain-language consumer notice explaining that patient consent is required to receive care on an OON basis before that provider can bill the patient more than in-network cost-sharing rates.

Air Ambulance Services NPRM

9/16/21: “Requirements Related to Air Ambulance Services, Agent and Broker Disclosures, and Provider Enforcement”

- Published in Federal Register as notice of proposed rulemaking with requests for comments
- Comment window closed on 10/18

[Federal Register Link](#)

[CMS Fact Sheet](#)

Notable inclusions, but not limited to:

- New reporting requirements regarding air ambulance services;
- New disclosures and reporting requirements regarding agent and broker compensation;
- New procedures for enforcement of Public Health Service Act (PHS Act) provisions against providers, health care facilities, and providers of air ambulance services;
- New disclosure and reporting requirements applicable to issuers of individual health insurance coverage and short-term, limited-duration insurance regarding agent and broker compensation; and
- Revisions to existing PHS Act enforcement procedures for plans and issuers.

Part II Interim Final Rule

10/7/21: “Requirements Related to Surprise Billing; Part II”

- Published in Federal Register as interim final rule with requests for comments
- Part II Regs are silent on Section 111 – Advanced EOB
- Comment window closed on 12/6/2021

[Federal Register Link](#)

[CMS Fact Sheet](#)

Notable inclusions on Part II, but not limited to:

- Establishes the federal independent dispute resolution (IDR) process that OON providers, facilities, providers of air ambulance services, plans, and issuers in the group and individual markets may use to determine the OON rate for applicable items or services after an unsuccessful open negotiation.
- Addresses good faith estimates of health care items and services for uninsured or self-pay individuals and the associated patient-provider dispute resolution process. The HHS-only interim final rules apply to selected dispute resolution (SDR) entities, providers, facilities, and providers of air ambulance services.

Third Interim Final Rule

11/23/21: “Prescription Drug and Health Care Spending” Interim Final Rule

- Published in Federal Register as interim final rule with requests for comments
- Third IFR issued in 2021
- Comment window closed on 1/24/2022

[Federal Register Link](#)

[CMS Fact Sheet](#)

Notable inclusions, but not limited to:

- Provisions are applicable to group health plans and health insurance issuers offering group or individual health insurance coverage.
- Require applicable plans to submit certain information about prescription drugs and health care spending to federal departments to increase transparency.

Change Healthcare NSA Capability Grooming

- Change Healthcare convened a multidivisional internal task force to evaluate the Act's requirements and align with and leverage our existing capabilities and strengths.
- We are engaging industry standards and advocacy groups to assure systematic & standardized approaches to technical components.
- We have opened readiness dialogues with plans and third-party administrators.
- We welcome collaborative partnerships to align our solutioning to meet client needs within regulated effective dates.
- We are continuing to explore several approaches, all within current strengths and capabilities as to be preemptive and adaptable as subsequent regulations are published.

Change Healthcare Solutions

We offer, and continue to develop, solutions tailored to help you comply with the No Surprises Act, support billing transparency, and help you implement consumer cost protections. Solutions include:

- Medical Network
- API Solutions
- Cost transparency
- TrueView
- AEOB workflow (new)
- Communication EOB & ID Cards
- Connect Center
- Authorization & COB

Please reach out to your account representative for more information.

No Surprises Act – Section Breakdown (Summary)

Section 102. Health insurance requirements regarding surprise medical billing.

In general, requires health plans to hold patients harmless from surprise medical bills. For certain services, patients are only required to pay their in-network cost-sharing amount (e.g., deductibles, coinsurance, copayments, or similar charges).

- **Coverage of Emergency Services:** This requires health insurers to cover emergency services without prior authorization regardless of whether the healthcare provider furnishing services is a participating provider or a participating emergency facility.
- **Coverage of Nonemergency Services Performed by Nonparticipating Providers at Certain Participating Facilities:** This prevents health insurers from imposing a cost-sharing requirement that is greater than the cost-sharing requirement that would apply if furnished by a participating provider. Cost-sharing payments count toward any in-network deductible and out-of-pocket maximums (as applicable) in the same manner as if furnished by a participating provider.

No Surprises Act – Section Breakdown (Summary)

Section 103. Determination of out-of-network rates to be paid by health plans; independent dispute-resolution process.

Encourages reimbursement resolution through open negotiation and establishes an independent resolution process through which health providers and insurers can resolve out-of-network reimbursement issues.

- Allows a 30-day open-negotiation period for providers and insurers to settle out-of-network claims.
- If the parties are unable to reach a negotiated agreement, they may access a binding arbitration process—referred to as Independent Dispute Resolution (IDR)—in which one offer prevails.
- The IDR process will be administered by independent, unbiased entities, with no affiliation to providers or insurers.

No Surprises Act – Section Breakdown (Summary)

Section 104. Health care provider requirements regarding surprise medical billing.

- Prohibits out-of-network facilities and providers from sending patients balance bills for more than the in-network cost-sharing amount, in the surprise billing circumstances defined in Sec. 102.
- Prohibits certain out-of-network providers from balance-billing patients unless the provider gives the patient notice of their network status and an estimate of charges 72 hours prior to rendering out-of-network services and the patient provides consent to receive out-of-network care. In the case of appointments made within 72 hours of receiving services, the patient must receive the notice the day the appointment is made and consent to receive out-of-network care.

No Surprises Act – Section Breakdown (Summary)

Section 105. Ending surprise air ambulance bills.

- Patients are held harmless from surprise air ambulance medical bills. Patients are only required to pay the in-network cost-sharing amount for out-of-network air ambulances (including attributing the bill to the in-network deductible). Air ambulances are barred from sending patients balance bills for more than the in-network cost-sharing amount.
- Follows a similar open negotiation and Independent Dispute Resolution (IDR) as summarized in Section 103 to resolve out-of-network reimbursement issues.

Section 106. Reporting requirements regarding air ambulance services.

- Requires air ambulance providers to submit two years of cost and metrics data to the secretaries of HHS and Transportation and insurers to submit two years of claims data related to air ambulance services to the Secretary of HHS. Requires the secretaries to publish a comprehensive report summarizing the information submitted.
- Establishes an advisory committee to establish quality, patient safety, and clinical-capability standards for air ambulances.

No Surprises Act – Section Breakdown (Summary)

Section 107. Transparency regarding in-network and out-of-network deductibles and out-of-pocket limitations.

- Requires health plans offering group or individual health insurance to include on the participant's insurance card the amount of the in-network and out-of-network deductibles, in-network and out-of-network out-of-pocket maximum limitations, and a telephone number and website address through which plan participants can seek assistance.

Section 108. Implementing protections against provider discrimination.

- Requires the secretaries of HHS, Labor, and Treasury to issue a rule implementing protections against provider discrimination.

Section 109. Reports.

- Requires HHS to conduct a study on the effects of the provisions in the Act.
- Requires the Government Accountability Office (GAO) to submit to Congress a report on the impact of surprise billing provisions and a report on the adequacy of provider networks, to include recommendations to improve the adequacy.

No Surprises Act – Section Breakdown (Summary)

Section 110. Consumer protections through application of health-plan external review in cases of certain surprise medical bills.

- Allows for an external review to determine whether surprise-billing protections are applicable when there is an adverse determination by a health plan or issuer.

Section 111. Consumer protections through health-plan requirement for fair and honest advance-cost estimate.

- Requires health plans offering group or individual health insurance to provide an “Advanced Explanation of Benefits” to give patients transparency for each scheduled item or service, including:
 - The network status of the provider or facility
 - Good faith estimates of provider or facility charges, the plan’s payment responsibility, and the patient’s payment responsibility
 - Additional disclaimers

No Surprises Act – Section Breakdown (Summary)

Section 112. Patient protections through transparency and patient-provider dispute resolution.

- Health care providers and facilities must verify, three days in advance of service and not later than one day after scheduling of service, what type of coverage the patient is enrolled in and provide notification of the good faith estimate of the expected charges for scheduled items or services.
- Requires the Secretary of HHS to establish a patient-provider dispute-resolution process for uninsured individuals for charges that are substantially in excess of the estimate.

Sec. 113. Ensuring continuity of care.

- If a provider changes network status, “continuing care patients” have up to a 90-day period of continued coverage at in-network cost-sharing rates to allow for a transition of care to an in-network provider. The plan or issuer must notify continuing-care patients of network changes and their right to elect to receive continued transitional care.

No Surprises Act – Section Breakdown (Summary)

Section 114. Maintenance of price-comparison tool.

- Beginning on or after Jan. 1, 2022, a plan or issuer is required to offer price-comparison guidance to consumers by telephone and website to compare the amount of cost-sharing that an individual would be responsible for paying when furnished with a specific item or service by a given provider.

Sec. 115. State All Payer Claims Databases.

- Establishes a grant program for eligible states to establish or improve a State All Payer Claims Database. Grants will be awarded for a period of three years in an amount of \$2,500,000 (\$1,000,000 in years one and two, \$500,000 in year three).
- Requires grant recipients to make data available to authorized users, including researchers, employers, health insurance issuers, third-party administrators, and healthcare providers for quality improvement and cost-containment purposes. The secretary may waive these requirements if a State All Payer Claims Database is substantially in compliance.
- Requires the secretary to establish a standardized reporting format and guidance for the voluntary reporting by group health plans to State All Payer Claims Databases of medical claims, pharmacy claims, dental claims, and eligibility and provider files that are collected from private and public payers.

No Surprises Act – Section Breakdown (Summary)

Section 116. Protecting patients and improving the accuracy of provider-directory information.

- Requires plans and issuers to establish a database and verification process to ensure up-to-date directories of their in-network providers and facilities, available to patients online, or within one business day of a telephone inquiry.
- Patients that relied on incorrect provider-network information would only be subject to in-network cost-sharing amounts.
- Plans and issuers are required to disclose patient protections against balance billing.

Sec. 117. Advisory committee on ground ambulance and patient billing.

- Requires the secretaries to establish an advisory committee for reviewing options to improve disclosure of charges and fees for ground-ambulance services to inform consumers of insurance options and protect consumers from balance billing.
- Requires a report on recommendations from the advisory committee not later than 180 days after the committee's first meeting.

HIPAA PRIVACY RULE NPRM

NPRM to Modify the HIPAA Privacy Rule

On December 10th, 2020, OCR provided advance notice of a proposed rule to modify the HIPAA Privacy Rule to support individuals' engagement in their care, remove barriers to coordinated care, and reduce regulatory burdens on the health care industry.

The proposed changes to the HIPAA Privacy Rule include:

- Strengthening individuals' rights to access their own health information, including electronic information
- Improving information sharing for care coordination and case management for individuals
- Facilitating greater family and caregiver involvement in the care of individuals experiencing emergencies or health crises
- Enhancing flexibilities for disclosures in emergency or threatening circumstances, such as the Opioid and COVID-19 public health emergencies
- Reducing administrative burdens on HIPAA covered health care providers and health plans, while continuing to protect individuals' health information privacy interests.

On January 21st, the proposed rule was formally published in the federal register with a comment window due date of March 22nd.

On March 9th, OCR announced a 45-day extension of the public comment period extending the comment window due date to May 6th, 2021.

- 1,436 comments were submitted during the public comment window.

ONC CERTIFICATION AND INFORMATION BLOCKING RULE

21st Century CURES Act

- Bipartisan legislation passed in 2016
- Information blocking is illegal for certain actors; penalties were created for some actors if they are found to be information blocking
- Created the definition of information blocking
- Directed the Office of the Inspector General (OIG) as the enforcement arm, including levying penalties; may only level penalties on health IT developers and health information networks (HINs)/health information exchanges (HIEs)
- Directed CMS to create penalties for healthcare providers
- Directed ONC to develop exceptions to the information blocking definition (i.e., define when choosing not to share data is allowed)
- Directed ONC to develop Conditions of Certification, including requiring open Application Programming Interfaces (APIs)

Overview of ONC's Regulation

- Final Rule published in the Federal Register May 1, 2020.
- ONC developed new certification criteria for health IT developers and established policies around what is allowed in their contracts
- ONC defined several important terms as part of the regulation, including which actors are regulated by information blocking
- ONC created a set of exceptions to information blocking that fall into two categories:
 - Withholding Electronic Health Information (EHI) – when are actors allowed to withhold EHI
 - Conditions for sharing EHI – what fees can be charged and what formats EHI data must be in

ONC Cures Act Final Rule – Additional Information

Available at: <https://www.healthit.gov/curesrule/>

REDUCING PROVIDER AND PATIENT BURDEN BY IMPROVING PRIOR AUTHORIZATION

CMS NPRM to Address Prior Authorization

On December 10, 2020, CMS provided advance notice of a proposed rule to place new requirements on Medicaid and CHIP managed care plans, state Medicaid and CHIP fee-for-service programs, and Qualified Health Plans (QHP) issuers on the Federally-facilitated Exchanges (FEEs) to improve the electronic exchange of health care data, and streamline processes related to prior authorization.

This rule has been withdrawn.

ONC RFI for Electronic Prior Authorization

On January 24, 2022, the Office of the National Coordinator for Health IT (ONC), Health and Human Services (HHS) published a “Request for Information: Electronic Prior Authorization Standards, Implementation Specifications, and Certification Criteria”

The department is seeking input from the public regarding electronic prior authorization standards, implementation specifications, and certification criteria that could be adopted within the ONC Health IT Certification Program. Responses will be used to inform potential future rulemaking.

Comments are being accepted through March 25, 2022.

[Federal Register Link](#)

[Press Release](#)

[More Information](#)

Section 7

CHANGE HEALTHCARE ACCREDITATIONS & CERTIFICATIONS

HHS Optimization Program Certification



- On October 4, 2018, The U.S. Department of Health and Human Services (HHS), Division of National Standards (DNS) within the Centers for Medicare & Medicaid Services (CMS), recognized Change Healthcare for successfully completing the HHS Optimization Program Pilot of Administrative Simplification transaction standards, code sets, unique identifiers, and operating rules.
- [Certificate of Completion](#)

Change Healthcare Accreditations & Certifications

To demonstrate our continued commitment to assure that applicable Change Healthcare products and services meet industry and regulatory requirements and expectations, we maintain several industry recognized and trusted accreditations and certifications.

Click [HERE](#) for more information.

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