NHPCO Regulatory Recap for Activity from January 2013
Volume 4, Issue No. 1

To: NHPCO Membership
From: NHPCO Health Policy Team

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Education and Resources

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<th>ITEM</th>
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<td>CGS Discontinues One Widespread Hospice Edit... CGS has announced that the widespread edit, 5101T, has been discontinued. At CGS’ request, NHPCO did not issue a provider-wide announcement about the discontinuation, since CGS is notifying providers individually by letter. They will be analyzing claims data from this edit to determine next</td>
<td>January 24, 2013 NewsBriefs</td>
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Any claims that were ADR’ed for the edit will be released and providers should start seeing their claims move through the system and will be paid without review in the coming days. NHPCO is pleased that the ongoing conversations with both CGS and CMS have resulted in this discontinuation and are in continuing dialogue with CGS on medical review and claims payment issues shared by providers. Note that the other CGS edits are still in place.

**CGS Reports Widespread Length of Stay Edits Share Same Top Denial...** Last quarter, from July 1 - September 30, 2012, there were multiple widespread hospice edits that selected claims based on length of stay, or a combination of length of stay and specific non-cancer diagnoses. It was noted that although each edit had slightly different parameters, the top denial reason code in each case was documentation that did not support the six-month prognosis. For more detail regarding hospice claim denials, access the [CGS webpage](#).

**CMS Open Door Forum Notes, Jan 9, 2012...** CMS provided updates on the following hospice related topics:

- **Home Health & Hospice Quality Reporting Update** – reminder of how to access the [CMS Hospice Quality Reporting webpage](#).
  - Review of [CMS hospice data entry webpage](#) where providers can access account registration, account activation, and deactivation information reviewed. CMS recommends that providers register for an account now if they have not already.
  - CMS posted “[Urgent Hospice Registration Information](#) (PDF). Note: User Guide, Version 1.5 is available – download and refer to manual during registration process.
  - An updated version of the [Technical User Guide for Hospice Quality Reporting Data Entry and Submission](#) is available online.
  - January 1, 2013 began the data collection period that affects the FY 2015 payment rate.
  - [Reminder – Structural measure data submission due date was January 31, 2013.](#)

- **Review of Possible Future Hospice Data Collection** – CMS is considering expanding the amount of information collected on the claim form. They are considering collection of visit date for:
  - Chaplains
  - Dietary counselors
  - Other counselors

- CMS reported that there are noted errors in the electronic CoP information on the webpage and that they are working on corrections and will update on providers on the next open door forum. The errors occurred because of information migration into CMS’s revised website in October 2012. Please note that there have been no changes to the hospice CoPs.

**HHS Releases New Rule that Updates HIPAA Privacy and Security Rules...** HHS posted the final omnibus rule, which significantly enhances a patient’s privacy protections, provides individuals new rights to their health information, and strengthens the government’s ability to enforce the law. Highlights in the new rule include:

- Provide the public with increased protection and control of personal health information and
- Expand many of the requirements to business associates of these entities that receive protected health information, such as contractors and subcontractors.
- Individual rights are expanded in important ways.
  - Patients can ask for a copy of their electronic medical record in an electronic form.
  - When individuals pay by cash they can instruct their provider not to share information about their treatment with their health plan.
- The final omnibus rule sets new limits on how information is used and disclosed for marketing and fundraising purposes and prohibits the sale of an individuals’ health information without their permission.
- The final rule also reduces burden by streamlining individuals’ ability to authorize the use of their health information for research purposes.
- The rule makes it easier for parents and others to give permission to share proof of a child’s immunization with a school and gives covered entities and business associates up to one year after the 180-day compliance date to modify contracts to comply with the rule.

### DEA Issues Proposed Rule on Drug Disposal...
NHPCO’s Regulatory Committee is working together with the NCHPP Pharmacy section to develop a comment letter on the DEA proposed rule on drug disposal. Comments are due on the proposed rule no later than February 19. The full text of the [proposed rule](PDF) can be downloaded from the Federal Register.

### HHS Announces First Patient HIPAA Breach Settlement...
The Department of Health and Human Services has announced the first HIPAA breach settlement involving less than 500 patients. A program in Idaho has agreed to pay HHS $50,000 to settle potential violations of the HIPAA security rule. This is the first settlement involving a breach of unprotected electronic protected health information (ePHI) affecting fewer than 500 individuals and should be a reminder to providers to ensure patient information is protected. The resolution agreement and HHS press release are available on the [HHS website](https://www.hhs.gov). This announcement is from January 10, 2013.

### ICD-10 Transition Activities for 2013...
The year 2013 brings two crucial ICD-10 transition milestones for providers:
- April 1, 2013: Testing ICD-10 with colleagues/staff within your practice
- October 1, 2013: Testing ICD-10 with business trading partners like payers, clearinghouses, and billing services

Review your ICD-10 timeline and make sure you are on track to meet these milestones. For more information visit the [CMS website](https://www.cms.gov). This announcement is from January 24, 2013.

### Interest Rates for Overpayments and Underpayments released by CMS...
CMS recently posted CR 8201, which outlines the new interest rate for Medicare overpayments and underpayments - 2nd qtr notification for FY 2013. MACs have been instructed to implement an interest rate of 10.625 percent effective January 17, 2013 for Medicare overpayments and underpayments. To view this transmittal on the CMS website.

### Listening Sessions on End-to-End Testing in January...
NGS, under contract to CMS, hosted a series of listening sessions to gather insights and feedback from the healthcare industry on the best practices and lessons learned from the Version 5010 upgrade. CMS and NGS will use listening sessions to help define industry standards and develop step-by-step guidance for implementation testing. CMS and NGS received insights from:
- Small Providers on January 3 and January 10
- Large Providers on January 3 and January 15
- Vendors on January 8
- Payers on January 8

To learn more, please visit the [end-to-end testing page](https://www.cms.gov) on the CMS website.
### Louisiana Hospice Medicaid Benefit Continues

Late afternoon on January 23, 2013, hospice supporters gathered for a candlelight vigil on the state capitol steps in Baton Rouge, protesting the elimination of the Medicaid Hospice Benefit in Louisiana, effective February 1. During the vigil, Louisiana Governor Bobby Jindal’s administration announced that the state had scrapped plans to eliminate the Medicaid Hospice Benefit and that the state will continue to provide end-of-life care to people on their death beds who can’t afford private insurance.

### Mobile Devices Security Initiative

A new educational initiative, *Mobile Devices: Know the RISKS. Take the STEPS. PROTECT and SECURE Health Information* has been launched by OCR and the HHS Office of the National Coordinator for Health Information Technology. The initiative offers organizations practical tips on ways to safeguard their patients’ protected health information when using mobile devices such as laptops, tablets, and smart phones. For more information, tips, and steps on protecting and securing health information when using a mobile device visit [HealthIT.org](http://HealthIT.org).

### NHIC Edits Continue

NHIC continues to ADR claims for three hospice edits for providers in the Northeast. If you have questions about the edits, please contact regulatory@nhpco.org for more information.

### NHIC Hospice Medical Review Audits

A [NHPCO Regulatory Alert](http://www.nhpco.org) sharing information about NHIC, Corp’s widespread targeted medical review that began in December was released. NHPCO shares information provided by CMS and NHIC.

### NHPCO Signs on to FDA Letter

NHPCO has joined a number of other patient and health professional groups to share our strong concerns about the January 25 vote of the Drug Safety and Risk Management Advisory Committee in favor of rescheduling combination hydrocodone products into Schedule II. A copy of the letter will be posted in coming days on the NHPCO website and linked in *NewsBriefs*.

### NHPCO Submits Comments to CMS on Additional Data Elements

Today, NHPCO submitted an official comments letter to CMS, responding to their request on December 4, 2012 regarding the collection of additional data elements on the hospice claim form. NHPCO issued a [Regulatory Alert](http://www.nhpco.org) with talking points for providers and state hospice organizations on these suggested data elements. The complete CMS memorandum is available on the CMS website.

### NGS New Hospice Education Programs

Check out NGS’s newest education offerings for hospice providers in 2013.

- *What You Need to Know Before Responding to a Medicare Hospice ADR* – January 23, 2013

Registration and additional information for these sessions is available on the [NGS website](http://www.ngs.org). Go to the Provider Specific Portal home page and select the Training Events Calendar option under the Education and Training category (on the left hand side). Your registration is complete only when you receive an email confirmation immediately after submitting your registration.

### OIG Updates LEIE Database

The OIG List of Excluded Individuals and Entities (LEIE) has been updated on the [OIG website](http://www.oig.hhs.gov) and, as a reminder, providers may not employ or do business with professionals included in this list. Also, the new file is complete and need NOT be used in conjunction with the monthly exclusion and reinstatement supplements.
Proposed Regulations for Disposing of Controlled Substance Prescription Drugs... The DEA published its Notice of Proposed Rulemaking for the Disposal of Controlled Substances in the Federal Register. The proposed regulations seek to implement the Secure and Responsible Drug Disposal Act of 2010, which would set requirements to govern the secure disposal of controlled substance medications. The proposed regulations seek to expand the options available to collect these medications for disposal from ultimate users, which include patients. The public can review an electronic copy of this proposed rule (PDF) online and has 60 days to submit comments, which are due by February 19, 2013.

EDUCATION AND RESOURCES

NHIC, Inc.
- NHIC Updates
- Production Alerts
- Upcoming Education Events
- Educational Articles

National Government Services
- Hot Topics
- Upcoming Education Events
- Clinical Education
- News Articles

Cigna Government Services
- News and Articles
- Education Events

Palmetto, GBA
- News and Articles
- Education Events
- Hospice Articles

- Regulatory Alerts and Regulatory Round-Ups can be viewed in their entirety on the NHPCO Regulatory & Compliance website at nhpco.org/regulatory.
- The past six months of NewsBriefs can be viewed on the NewsBriefs archive page.
- Member inquiries about regulatory and compliance issues may be sent via email to regulatory@nhpco.org