

Eli's Hospice Insider

HIPAA: 5010 Deadline Postponed Until March

Evaluate your options for 5010 compliance.

Sweating over the fact that your 5010 standard won't be in place by the Jan. 1 deadline? CMS had an early holiday gift for you, with the announcement that it will not initiate enforcement action regarding 5010 until March 31, 2012.

"The enforcement extension means versions 4010A1 or 5010 claims will be allowed for 90 days," explains the **National Association for Home Care & Hospice**.

Not a deadline shift: The **Centers for Medicare & Medicaid Services** stresses in its Nov. 17 statement that the 5010 compliance date remains Jan. 1, 2012. However, the agency will not penalize providers that aren't using 5010 until after the new 90-day "discretionary enforcement period" ends in March, as long as they can demonstrate that they are working toward 5010 use.

"If requested, covered entities that are the subject of complaints must produce evidence of either compliance or a good faith effort to become compliant with the new HIPAA standards during the 90-day period," CMS says in its statement.

What to expect: "It is unclear what will ultimately happen," NAHC tells its members. "Providers need to work with trading partners to determine what they want and are ready for. It is unlikely that payers will be required to accept both the 4010A and the 5010, although they might choose to," the trade group advises.

If a payer will accept only version 5010 but the provider can support only version 4010A, the claim would have to be converted by a clearinghouse, NAHC suggests.

Why: The CMS Office of E-Health Standards and Services (OESS), which is responsible for HIPAA code set compliance, made the change because "testing between some covered entities and their trading partners has not yet reached a threshold whereby a majority of covered entities would be able to be in compliance," CMS explains. "The number of submitters, the volume of transactions, and other testing data used as indicators of the industry's readiness to comply with the new standards have been low across some industry sectors. OESS has also received reports that many covered entities are still awaiting software upgrades."

Even though you're getting a break on the 5010 deadline, you should still work to get into compliance as soon as possible, suggests **Matthew Hawkins**, CEO of software vendor **Vitera Healthcare Solutions** in Tampa, Fla. Taking the time now to upgrade to a 5010-compliant system reduces risk associated with scheduling system upgrades and provides time to certify that systems work appropriately, Hawkins says in a release. "It also puts responsibility on payors to facilitate the 5010 compliant transactions," he adds.

You should also consider becoming "ICD-10 enabled" at the same time that you install updates for 5010, Hawkins adds. "Why perform the 5010 upgrade now and then the ICD-10 upgrade in the future?" he asks.

Note: An audio file and transcript of CMS's Dec. 7 national call about 5010 developments will become available at www.CMS.gov/Versions5010andD0 -- choose the "5010 National Calls" link in the left-hand column. And CMS's deadline announcement is at www.cms.gov/ICD10/Downloads/CMSStatement5010EnforcementDiscretion111711.pdf.