

Health Information Compliance Alert

5010 Readiness: Medicare Won't Penalize You for 5010 Non-Compliance Until March 31, 2012

Plus: Avoid PO boxes on 5010, despite what your MAC tells you.

Sweating over the fact that your 5010 standard won't be in place by the Jan. 1 deadline? CMS has an early holiday gift for your practice, with the Nov. 17 announcement that it will not initiate enforcement action regarding 5010 until March 31, 2012.

Not a deadline shift: CMS stresses in its statement that the 5010 compliance date remains Jan. 1, 2012. However, the agency will not penalize practices that aren't using 5010 until after the new 90-day "discretionary enforcement period" ends in March, as long as practices 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.

To read the complete CMS announcement, visit

www.cms.gov/ICD10/Downloads/CMSStatement5010EnforcementDiscretion111711.pdf

Know the Rules for Address Field

If you're sticking to your guns and leaving a P.O. box as your place of service address on the new 5010 form that will be required on Jan. 1, 2012, expect denials. That's the word from CMS's **Chris Stahlecker**, who spoke about this issue during the agency's Nov. 9 HIPAA Version 5010 National Provider Call.

A caller phoned into the forum and said that her MAC told her that it would not enforce the restriction on the 5010 form that will prohibit practices from putting a P.O. box on 5010 forms as the place of service address. CMS, however, sang a different tune.

"That's a very interesting comment for you to raise," Stahlecker said. "The billing provider address line cannot be a P.O. box, and, no, CMS has not taken the position that that edit is going to be lifted at this time, so right now the edit is in place and the software that we have distributed to the MACs for them to be executing should cause a claim that comes in with a P.O. box to reject."

Although the P.O. box issue has been a point of contention among practices throughout the healthcare industry, CMS has not formally issued anything that says you can use the P.O. box address. "We appreciate this difficulty," Stahlecker added. "That said, we're still not, as a payer, permitted to ignore such a requirement." She noted that CMS would have to "think very hard about impact" before such a change could be implemented. Until further notice, using a P.O. box will cause claims to reject, so you should stick with using a street address as the place of service address on your claims.

A second caller went even further in questioning CMS on this issue, noting that not only did her trading partner tell her that the P.O. box rejection would be suppressed, but would be "permanently turned off." Stahlecker explained that this is the case when payers are paying one another, but not when paying medical practices. A "separate project is underway that is not between a provider to a payer -- it's something that's being handled as separate from a HIPAA-compliant activity, and instead involves a flow going from a payer to a payer," she said. In these transactions, because it is not an exchange between "covered entities," Medicare can turn off the P.O. box edit and not be at-risk of violating HIPAA compliance.

Although some trading partners have interpreted that as meaning that all Part B MACs should turn off their P.O. box

claim edit, CMS stressed the fact that this is not the case. Stahlecker reiterated the fact that the P.O. box issue is very real and will cause claim rejections as of Jan. 1.

Paper Claims Can Still Use P.O. Boxes

One caller to the forum noted that when using paper forms, CMS recommends that Box 33 should be a physical address and not a P.O. box so it can be mapped to a 5010 form. However, "Providers are perfectly welcome to put a P.O. box on the 5010 form," said CMS's **Brian Reitz**. "What the NUCC recommends is just that -- recommendations -- there's no force of law behind them."