



Designated Standard Maintenance Organizations

November 23, 2010

Justine M.Carr, M.D.
Chair, NCVHS

[Sent Electronically]

RE: NCVHS Operating Rules Recommendations

I am writing on behalf of the Designated Standards Maintenance Organizations (DSMO). We wish to comment on the September 30, 2010 National Committee on Vital and Health Statistics (NCVHS) letter to the Secretary of Health and Human Services (HHS), specifically pertaining to the recommendations for the creation of Operating Rules for Eligibility and Claims Status Transactions. Overall the DSMO is supportive of many of the recommendations contained in the letter since many of them are similar to those we presented in our prepared statement during the July 20-21, 2010 hearings. There are, however, several recommendations starting on page six of the letter that are of concern to the DSMO members.

Recommendation 5.1 states that the Secretary “*designate any operating rules authoring entity as a DSMO and require its participation in the DSMO*”.

The DSMO members strongly recommend that the operating rule entity not be designated a DSMO member. We agree that coordination and collaboration should be required between the DSMO and the “operating rules entity/entities”. Operating rules entities will be invited to participate in discussions with the DSMO when operating rule topics arise. The charter members of the DSMO include data content committees and standards development organizations that address changes to the standards and stand ready to lend their expertise to review the development of operating rules.

The DSMO recommends the following statement in lieu of recommendation 5.1: “*require any operating rules authoring entity to coordinate their recommendations with the DSMO according to the DSMO’s established review protocol.*” This recommendation will contribute to transparent review of operating rules that should be incorporated into future HIPAA implementation standards.

Recommendation 5.2 “*incorporate into rulemaking that, as recommended in 3.1, all future changes to operating rules and standards be made through the DSMO, to enable making changes to the applicable artifact (standard, implementation guide, or operating rule)*”.

11/23/2010

The DSMO is requesting a clarification on the statement “incorporate into rulemaking”. Does this mean the introduction of a different process than what we have today? Today the DSMO submits an annual report of change requests to NCVHS and then NCVHS makes recommendations to HHS for subsequent rulemaking. The DSMO strongly recommends the current process be followed as the industry now understands these process steps.

Another area for clarification is the use of the term “incorporate into rulemaking...all changes”. Not **all** changes to the HIPAA standards or code sets are reviewed by the DSMO as individual change requests. Some change requests are submitted to the code set committee or the standards development organization directly. But when a change request comes to the DSMO, the changes are documented so the DSMO can evaluate them as a package.

Recommendation 5.4 “Designate *CMS* as a non-voting participant in the *DSMO Committee*.”

The DSMO also seeks clarification on this recommendation since CMS has been participating as a non-voting member of the DSMO since our inception.

Should you have any additional questions for the DSMO on this matter please contact me by email at garges@aha.org or by telephone at 312/422-3398. I will be glad to communicate any questions to the other DSMO members.

Sincerely



George Arges
Current Year DSMO Chair

Cc: Judith Warren, PhD, RN, Co-Chair NCVHS Subcommittee on Standards
Walter G. Suarez, M.D., M.P.H., Co-Chair NCVHS Subcommittee on Standards
Tony Trenkle, CMS, OESS
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