

Frequently Asked Questions Concerning the Deadline for Compliance with HIPAA Electronic Transactions Standards and Code Sets

October 15, 2002

1. Who, if anyone, has to file an extension by October 15?

Providers who submit claims electronically and who are not already in compliance with the electronic transactions standards should file a compliance plan which serves as an extension request. The extension provides an additional year for social workers to come into compliance. Social workers who anticipate that they will begin using electronic transactions in the coming year should seriously consider filing for the extension. When in doubt social workers should file for the extension.

2. If I am a small provider who does not conduct electronic transactions will this apply to me?

- No. Providers who do not conduct any electronic transactions do not have to comply with HIPAA, however, it is likely that more payers (insurers) will begin to require electronic transactions.
- All providers, regardless of size, who conduct electronic transactions, must comply with the HIPAA regulations. Providers may need to evaluate the likelihood that they will begin to use electronic transactions in the near future.

3. Is it true that Medicare won't accept paper claims after October 2003?

Medicare will still accept paper claims from small providers (less than 10 FT employees) who do not submit any claims electronically and who are granted a waiver. The waiver procedures are still being developed. Providers who do not receive a waiver must be in compliance with the transactions standards if they are to remain eligible for Medicare reimbursement. See: Public Law 107-105 (2001 HR 3323), approved on December 27, 2001.

4. If I am not conducting electronic transactions now, but begin doing so before October 16, 2003, how long will I have to come into compliance with the electronic transactions standards?

Social workers who have not submitted a request for an extension by October 15, 2002 will need to be in compliance instantaneously once they begin conducting electronic transactions.

5. If I don't submit claims electronically, but use the Internet to check the status of claims filed on behalf of a client, do I have to comply with HIPAA?

Yes. Claims status information conveyed electronically is considered an "electronic transaction" that triggers HIPAA requirements.

6. Is faxing considered an electronic transmission and therefore anyone who faxes, even if they don't use a computer, is covered under HIPAA?

No, faxing is not considered one of the electronic transactions that would make an entity subject to HIPAA, however, this question does not take into account the full picture of the environment in which most social workers practice. More payers are likely to require electronic transactions in the coming months. Finally, once a social worker becomes a “covered entity” under HIPAA, the security standards for use of faxes will apply. Computer-generated faxes may be treated differently than paper-to-paper faxes and could trigger HIPAA compliance requirements.

7. What are the types of electronic transactions that will cause me to be subject to HIPAA?

- Health care claims and equivalent encounter information
- Eligibility for a health plan
- Referral certification and authorization
- Health care claim status
- Enrollment and disenrollment in a health plan
- Health care payment and remittance advice
- Health plan premium payment
- Coordination of benefits