



Government Affairs Alert

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Minnesota Department of Health Issues New eBilling Update

The Minnesota Department of Health (MDH) recently issued *Implementation and Compliance Update #4.0*, which extends the eligibility exemption (transmittal of eligibility data electronically) for all non-HIPAA (including workers' compensation) related transactions. This recent update provides guidance regarding exemption from specific eBilling requirements for non-HIPAA covered entities (payors), providers and eBilling entities (clearinghouses) engaged in transmittal of non-HIPAA covered eligibility information.

eBilling Requirements

Section 62J.536 of Minnesota Statutes currently requires all healthcare providers and group purchasers to exchange three types of healthcare administrative transactions (eBilling) electronically, using a single, uniform data contact and format effective 2009. The statutes and related rules apply to all group purchasers licensed or doing business in Minnesota as well as to all healthcare providers providing services for a fee in Minnesota—workers' compensation payors and providers are not exempt.

Minnesota law authorizes the Commissioner to exempt only group purchasers not covered by HIPAA from one or more of current requirements if it is determined that:

- A transaction is incapable of exchanging data that are currently being exchanged in paper format and is necessary to accomplish the purpose of the transaction; or
- A different national electronic transaction standard would be more appropriate and effective to accomplish the purpose of the transaction.

In 2008 the MDH and the Minnesota Administrative Uniformity Committee (AUC) determined that statutory criteria (see above) existed to exempt eligibility and response transactions (ANSI/ASC x12 270-271), and granted an exemption from eBilling requirements **only** for 270-271 transactions and **only** to group purchasers not covered by HIPAA.

Eligibility Exemption for Non-HIPAA Transactions

MDH and AUC recently consulted with system stakeholders, current standard implementation groups (NCPDP and IAIABC) and the Centers for Medicare and Medicaid Services (CMS), and have determined that a continued statutory criterion exists to allow continuation of the 270-271 (eligibility and response transactions) **only applicable to non-HIPAA covered entities and non-HIPAA covered transactions**. Additionally, and by way of transactions between entities, the exemption applies to healthcare providers and other entities (clearinghouses) and their exchange of eligibility related data elements.

Q: What does this mean for workers' compensation?

A: The exemption for workers' compensation claims, related data and entities (when processing only workers' compensation claims) initially instituted in 2008—set to expire January 15, 2010—has been extended until January 15, 2011. This is due to workers' compensation and related healthcare and healthcare transactions being exempt from HIPAA requirements. Thus, workers' compensation payors, providers and eBilling entities must only comply with eBilling transmittal and remittance requirements. This current exemption is scheduled for review in October 2010.



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Single-Source Solution
for Workers' Compensation

More information on this latest update can be found at www.health.state.mn.us/asa/implement.html and more information on Minnesota eBilling requirements can be found at www.health.state.mn.us/asa.

For more information, please contact your Account Manager or Sales Representative. You may also contact our Director of Government Affairs, Kevin Tribout, at Kevin.Tribout@pmsionline.com or 813.627.2445.

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