

Trading Partner Agreement Submission

I. Background

A. Purpose of the Agreement

In its administration of the Medicare FFS program, The Centers for Medicare & Medicaid Services (CMS) is a covered entity under the HIPAA rules. The Trading Partner Agreement serves to identify entities external to CMS that will exchange HIPAA compliant electronic transactions with CMS applications. The information collected will enable CMS and the Trading Partner to establish connectivity, define the data exchange requirements and stipulate the responsibilities of the entities receiving CMS supplied Beneficiary eligibility information. Connectivity to CMS applications is supported by use of the extranet and/or the internet. The Eligibility application currently available on the extranet is the exchange of the HIPAA compliant 270 Eligibility Inquiry and 271 Eligibility Response. The Eligibility application currently available on the internet is the data entry equivalent of the 270/271 exchange.

Extranet: Entities that wish to submit 270s to Medicare on a real-time basis (hereinafter, "Submitter" or "Submitters") will be permitted to submit 270s via AT&T communication Extranet (the Medicare Data Communication Network, or MDCN). This Extranet is a secure closed private network currently used to transmit data between Medicare FFS contractors and CMS, as well for transmission of electronic transactions in some cases from certain providers and clearinghouses to FFS contractors.

Internet: Internet access to conduct the 270/271 transaction on a real-time basis will be available to Medicare providers on a national level for the purpose of obtaining Medicare eligibility data.

As a covered entity, CMS is required to verify the identity of the person requesting the Protected Health Information and the person's authority to have access to that information in making the disclosures of information in the responsive 271s, where that is not otherwise known. In addition, in contrast to the other standard transactions which Medicare conducts, provision of information in 271s on a real-time basis will involve access by outside entities to a Medicare database. In such circumstances, federal law requires that CMS take precautions to minimize the security risk to the federal information system. Accordingly, CMS is requiring that trading partners who wish to conduct the 270 transaction on a real-time basis with CMS provide certain assurances as a condition of receiving access to the Medicare database for the purpose of conducting real-time 270/271 transactions.

B. Access Process

To commence the process for accessing the MDCN, The Submitter should review the agreement below, electronically provide the information requested on the form and click on the appropriate assurances. If Submitter does not consent to the terms of the agreement, by appropriately completing it as set forth below, Submitter will be denied access to the CMS MDCN and the access request process will be terminated.

If Submitter checks the appropriate boxes of the agreement and supplies the information requested below, a copy of the completed electronic form will be electronically submitted to the CMS 270/271 Medicare Eligibility Integration Contractor (MEIC) for security authentication. The access request process will then continue, and Submitter will be directed to complete an MDCN connectivity form in order to be connected to the 270/271 eligibility database. Once the MDCN connectivity form is completed, it will automatically be directed to the CMS/MDCN staff and to the MEIC for completion of the connectivity process and authentication. Once these processes have been completed, the MEIC will provide the Submitter with a submitter ID, which must be used on all 270/271 transactions. Please note that in order to access the MDCN, Submitter must obtain the necessary telecommunication software from an AT&T reseller.

C. Criminal Penalties

PENALTIES FOR FALSIFYING INFORMATION ON, WRONGFUL OBTAINING OF INFORMATION THROUGH, AND WRONGFUL DISCLOSURE OF INFORMATION OBTAINED PURSUANT TO, THE TRADING PARTNER AGREEMENT FOR SUBMISSION OF 270s TO MEDICARE ON A REAL-TIME BASIS

18 U.S.C. 1001 authorizes criminal penalties against an individual who in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry. Individual offenders are subject to fines of up to \$250,000 and imprisonment for up to 5 years. Offenders that are organizations are subject to fines of up to \$500,000. 18 U.S.C. 3571(d) also authorizes fines of up to twice the gross gain derived by the offender if it is greater than the amount specifically authorized by the sentencing statute.

42 U.S.C. 1320d-6 authorizes criminal penalties against a person who, "knowingly and in violation of this part ... (2) obtains individually identifiable health information relating to an individual; or (3) discloses individually identifiable health information to another person." Offenders shall "(1) be fined not more than \$50,000, imprisoned not more than 1 year, or both; (2) if the offense is committed under false pretenses, be fined not more than \$100,000, imprisoned not more than 5 years, or both; and (3) if the offense is committed with intent to sell, transfer, or use individually identifiable health information for commercial advantage, personal gain, or malicious harm, be fined not more than \$250,000, imprisoned not more than 10 years, or both."

II. Terms of Agreement

Provision by CMS of access to the CMS MDCN via the CMS Extranet is subject to

Submitter's agreement and assurances as set forth below. Access to the CMS MDCN may be terminated by CMS, without prior notice to Submitter, in the event that CMS determines based on information from Submitter or otherwise, that Submitter has not complied with one or more of the assurances hereafter provided by Submitter.

In consideration of the foregoing, and in order to obtain access to the CMS MDCN on a real-time basis, Submitter hereby agrees and assures, by checking the left-hand boxes, as appropriate, as follows:

All Submitters:

- Before it submits any 270s to the CMS MDCN and at all times thereafter, Submitter will ensure that it provides sufficient security measures, including user ID and passwords, to associate a particular 270 with the particular employee who initiated the eligibility inquiry, with respect to all 270s that it submits to the CMS.
- Submitter will cooperate with CMS or its agents in the event that CMS has a security concern with respect to any 270 submitted by Submitter to the CMS.
- The Authorized Representative whose name is supplied below is authorized to bind Submitter to the undertakings in this agreement.
- Submitter will promptly inform the MEIC, using such means as the MEIC may identify, in the event the identity or contact information of Submitter's Authorized Representative changes.
- Submitter will immediately notify the CMS 270/271 Help Desk in the event any of the assurances herein provided are no longer met.
- Submitter will immediately cease transmission of 270 to the CMS at such time that any of the assurances herein provided are no longer met.
- Each 270 submitted to the CMS by Submitter will be limited to requests for Medicare beneficiary eligibility data with respect to a patient currently being treated or served by the Submitter, or who has contacted the Submitter about treatment or service, or for whom Submitter has received a referral from a health care provider that has treated or served that patient.

(* indicates required field)

* Authorized Representative:

* Authorized Representative's Title:

* Authorized Representative's Contact Information:

* (Phone):

* (E-mail address):

* Submitter's Name:

* Medicare Provider Number/NPI:

* Business Name:

* Billing Address (Street or P.O. Box):

* City:

* State:

* Zipcode:

* Physical Address (May not enter a P.O. Box):

* City:

* State:

* Zipcode:

Clear

Submit