

## DEPARTMENT OF HEALTH & HUMAN SERVICES

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# HIPAA Administrative Simplification Information Bulletin

December 19, 2022

**Subject: Notice Regarding Publication NPRM Rule: Administrative Simplification: Administrative Simplification: Adoption of Standards for Health Care Attachments Transactions, Acknowledgment Transactions, and Electronic Signatures, and Operating Rules for Acknowledgment Transactions, and Modification to Referral Certification and Authorization Transaction Standards: CMS-0053-P**

The Department of Health and Human Services (HHS) is issuing this Information Bulletin to inform our stakeholders of the December 21, 2022, Federal Register publication of the notice of proposed rulemaking (NPRM) [CMS-0053-P](#). This proposed rule makes a regulatory change that would implement requirements of the Administrative Simplification subtitle of the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and the Patient Protection and Affordable Care Act (Pub. L. 111-148), as amended by the Health Care and Education Reconciliation Act of 2010 (Pub. L. 111-152), enacted on March 30, 2010) (collectively, the ACA).

### Background

On August 21, 1996, Congress amended Title XI of the Social Security Act (the Act) to add a new Part C, titled "Administrative Simplification," which required the Secretary of the Department of Health and Human Services (HHS) to adopt standards for certain transactions to enable health information to be exchanged more efficiently and to achieve greater uniformity in the transmission of health information. Because the Health Insurance Portability and Accountability Act (HIPAA) regulations apply to the entire health care industry, not just Medicare providers and suppliers, the Secretary administers HIPAA and is the signatory for HIPAA rulemaking. In 2009, the Secretary delegated the responsibility of HIPAA rulemaking to CMS.

The HIPAA Administrative Simplification requirements were reinforced in the Affordable Care Act, which requires the Secretary to adopt and regularly update electronic transaction standards, code set standards, unique identifiers as well as operating rules for the electronic exchange and use of health information for health insurance administration.

### What Will This Proposed Rule Do

This proposed rule seeks to adopt standards for health care attachments transactions and standards for electronic signatures to be used in conjunction with health care attachments transactions as well as a modification to the standards for the referral certification and authorization transaction, moving it from the X12 278, Version 5010 to the X12 278, Version 6020.

**Public Comment on Proposed Rule**

The proposed rule is available at <https://www.federalregister.gov/>. There is a 90-day public comment period for this rule, which closes on March 21, 2023. We encourage our stakeholders to read this proposed rule and submit comments, as these will assist us in preparing the final rule.

If you have questions about this Information Bulletin, or other topics related to the adopted standards or operating rules, please send them to [administrativesimplification@cms.hhs.gov](mailto:administrativesimplification@cms.hhs.gov).

For more information about Administrative Simplification requirements, visit the [CMS website](#). For the latest news about Administrative Simplification, [sign up for Email Updates](#).