

Health Insurance Portability And Accountability Act (HIPAA) Standards For Electronic Transactions

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1.0 BACKGROUND AND PROVISIONS

The Department of Health and Human Services (DHHS) published the first administrative simplification related final rule on August 17, 2000, which added subchapter C, "Administrative Data Standards and Related Requirements," to 45 CFR subtitle A. Subchapter C includes Parts 160 and 162, which will be referred to here as the Transaction and Code Sets Rule. On January 16, 2009, HHS published a Final Rule known as "Health Insurance Reform: Modifications to Health Insurance Portability and Accountability Act (HIPAA) Electronic Transaction Standards." This Final Rule (referred to here as the "Modifications to HIPAA Electronic Standards Final Rule") adopted updated versions of the standards for electronic transactions that were originally adopted under the Administrative Simplification subtitle of HIPAA. Since 2009, HHS has published additional Final Rules for HIPAA initiatives which affect HIPAA transactions. As a HIPAA covered entity; TRICARE **will** comply with applicable adopted HIPAA rules.

1.1 Compliance Dates

1.1.1 The contractor shall comply with the most current Final Rules on HIPAA adopted Electronic Transaction Standards, including compliance dates.

1.1.2 The contractor shall comply with the most current Final Rules on HIPAA adopted Transaction Operating Rules, including compliance dates.

1.1.3 The contractor shall comply with Final Rules on HIPAA adopted code sets (e.g., the use of International Classification of Diseases, Tenth Revision (ICD-10)), including compliance dates.

1.1.4 The contractor shall comply with Final Rules on HIPAA adopted identifiers (e.g., the use of Health Plan Identifiers (HPID)), including compliance dates.

1.2 Applicability

The contractor shall comply with HIPAA Electronic Standards Final Rules as the rules apply to health plans, health care clearinghouses, and health care providers who transmit any health information in electronic form in connection with a transaction covered by the rule. These Rules refer to health plans, health care clearinghouses, and health care providers as "covered entities." The initial Transaction and Code Sets Rule specifically names the health care program for active duty military personnel under Title 10 of the United States Code (USC) and the Civilian Health and Medical Program

of the Uniformed Services (CHAMPUS) as defined in 10 USC 1072(4), as health plans and this designation has not changed in the Modifications to HIPAA Electronic Standards Final Rule.

1.3 Transaction Implementation Specification Standards

1.3.1 The contractor shall comply with the most current HIPAA Electronic Standards Final Rules, which adopt specifically stated HIPAA implementations of **Accredited Standards Committee (ASC) X12** standards, accompanying Errata, Addenda, and Operating Rules. In the event that additional HIPAA adopted transactions, accompanying Errata, Addenda, or Operating Rules are mandated for use in the future; **the** contractor shall comply with those HIPAA adopted transaction initiatives by the compliance dates specified by HHS in Final Rules.

1.3.2 For retail pharmacy electronic transactions covered under HIPAA, the contractor shall comply with HIPAA adopted National Council for Prescription Drug Programs, (NCPDP) Telecommunication and Batch Standard Implementation Guides named and adopted by Final Rule.

1.3.2.1 The contractor shall accommodate use of both NCPDP and HIPAA ASC X12 837 Health Care Claim: Professional for billing of retail pharmacy supplies and professional services.

1.3.2.2 The contractor shall accommodate use of the HIPAA adopted standard for the subrogation of pharmacy claims paid by Medicaid which is named and adopted in Final Rule as the NCPDP Batch Standard Medicaid Subrogation Implementation Guide. This standard is applicable to Medicaid agencies in their role as health plans, as well as to other health plans such as TRICARE that are covered entities under HIPAA.

1.3.3 The contractor shall comply with HIPAA related Final Rules associated with Section 1104 of the Administrative Simplification provisions of the Patient Protection and Affordable Care Act (PPACA) (hereafter referred to as the Affordable Care Act or ACA). The ACA establishes new requirements for administrative transactions to improve the utility of the existing HIPAA transactions and reduce administrative costs (e.g., standard Operating Rules).

1.3.4 HIPAA Adopted Code Set Standards

The contractor shall comply with HIPAA adopted code sets in accordance with Final Rules (e.g., International Classification of Diseases, 10th Revision (ICD-10)).

2.0 TRICARE OBJECTIVES

2.1 The TRICARE program shall be in full compliance with the HIPAA Transactions, Code Sets, and Identifiers Final Rules.

2.2 **Private** Care Systems shall be able to receive, process, and send HIPAA compliant standard transactions where required.

3.0 CONTRACTOR RELATIONSHIPS TO THE TRICARE HEALTH PLAN

3.1 The Transaction and Code Sets Rule specifically names the health care program for active duty military personnel under 10 USC and CHAMPUS as defined in 10 USC 1072(4), as health plans. For the purposes of implementing the Transaction and Code Sets Rule, the term "TRICARE" will be used in this

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chapter to mean a combination of both the Direct Care (DC) and **Private** Care Systems. TRICARE is therefore a health plan.

3.2 The relationships of the entities that comprise TRICARE determine, in part, where standard transactions shall be used. Determinations as to when and where the transaction standards apply are not based on whether a transaction occurs within or outside of a “corporate entity” but rather are based **upon** the answers to the two following questions:

- Is the transaction initiated by a covered entity or its business associate? If the answer is “no,” then the standard does not apply and **is** not used. If “yes,” then the standard applies and the next question needs to be answered.
- Is the transaction one the Secretary of HHS adopted as an adopted standard? If “no,” then the standard is not required by HIPAA to be used. If “yes,” then the standard shall be used.

To decide if a standard has been adopted for transaction, **use** the definition of the transaction as it is provided in the Final Rule. Knowing who is and is not a business associate of the TRICARE Health Plan is important in determining where standard transactions shall be used within TRICARE. See [Appendix A](#) for the definition of “business associate.”

3.3 The following table identifies TRICARE entities and their relationships to the TRICARE health plan.

ENTITY	COVERED ENTITIES			NON-COVERED ENTITY	BUSINESS ASSOCIATE OF THE TRICARE HEALTH PLAN?
	HEALTH PLAN?	PROVIDER?	CLEARING-HOUSE?	EMPLOYER?	
Department of Defense (DoD) (Army, Navy, Air Force, Marines, Space Force , and Coast Guard*) *In time of war	N	N	N	Y	N
TRICARE Health Plan (Represents both the Health Care Program for Active Duty Military Personnel under 10 USC and the CHAMPUS as defined in 10 USC 1072(4).)	Y	N	N	N	N
Markets/Military Treatment Facilities (MTFs) (Supporting Systems: Composite Health Care System (CHCS), Referral Management Suite (RMS), Armed Forces Health Longitudinal Technology Application (AHLTA), Third Party Outpatient Collections System (TPOCS)*, and others) *Armed Forces Billing and Collection Utilization Solution (ABACUS) expected to replace TPOCS in 2015.	N	Y	N	N	N
Defense Manpower Data Center (DMDC) Defense Enrollment Eligibility Reporting System (DEERS)	N	N	N	N	Y
Managed Care Support Contractor (MCSC)	N	N	N	N	Y
TRICARE Dual Eligible Fiscal Intermediary Contract (TDEFIC)	N	N	N	N	Y
Defense Finance and Accounting Service (DFAS)	N	N	N	Y	N

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ENTITY	COVERED ENTITIES			NON-COVERED ENTITY	BUSINESS ASSOCIATE OF THE TRICARE HEALTH PLAN?
	HEALTH PLAN?	PROVIDER?	CLEARING-HOUSE?	EMPLOYER?	
TRICARE Dental Program (TDP) Contractor	Y	N	N	N	Y (for foreign claims processing only)
Active Duty Dental Program (ADDP) Contractor	Y	N	N	N	N
Pharmacy Data Transaction Service (PDTs) Contractor	N	N	N	N	Y
Designated Provider (DP) Contractors	Y	Y	N	N	N
Defense Health Agency-Great Lakes (DHA-GL)	N	N	N	N	Y
Continued Health Care Benefit Program (CHCBP) Contractor	N	N	N	N	Y
TRICARE Quality Management Contract (TQMC)	N	N	N	N	Y
Contractor for Data Analysis for the DP Contracts	N	N	N	N	Y
TRICARE Overseas Program (TOP) Contractor	N	N	N	N	Y
Defense Health Agency (DHA) (Supporting Systems: DEERS Catastrophic Cap and Deductible (CCDD), payment record databases (TRICARE Encounter Data (TED) records, TED Provider (TEPRV) records, and TED Pricing (TEPRC) records), management databases (Military Health System (MHS)) Data Repository and its associated data marts)	N	N	N	N	Y
TRICARE Pharmacy (TPharm) Contractor	N	Y	N	N	Y
TRICARE Area Offices (TAOs)	N	N	N	N	Y

4.0 HIPAA TRANSACTION REQUIREMENTS FOR TRICARE CONTRACTORS

4.1 General

4.1.1 The contractor shall implement transactions in accordance with the transaction implementation specifications and any Addenda, Errata, or Operating Rules named and adopted by the Secretary of HHS, as standards.

4.1.2 The contractor shall accept standard transactions from trading partners that are correct at the interchange control structure level (envelope) and that are syntactically correct at the standard level and at the implementation guide level and are semantically correct at the implementation guide level. The contractor shall not reject otherwise syntactically correct transactions for front-end business or application level edits for transaction content, such as an edit for a recognized provider number. The contractor shall apply front-end business or application level edits after accepting the transaction. The contractor shall reject, develop or deny claims failing front-end business or application edits, after passing syntax and semantic edits, in accordance with established procedures for such actions.

4.2 Transactions Exchanged Between Contractors And Providers (Network And Non-Network Providers, Markets/MTFs (CHCS and RMS))

4.2.1 The contractor shall ensure HIPAA adopted transactions exchanged between contractors and providers are in accordance with HIPAA standards.

4.2.2 The contractors shall be HIPAA compliant with the following HIPAA adopted transactions, when HIPAA compliant usage applies:

4.2.2.1 Claims Transactions

[Receive Claims Transactions]

- The ASC X12N 837P - Health Care Claim: Professional, most currently adopted version.
- The ASC X12N 837I - Health Care Claim: Institutional, most currently adopted version.
- The ASC X12N 837D - Health Care Claim: Dental, most currently adopted version.
- **The most currently adopted version of NCPDP Telecommunication Standard and equivalent NCPDP Batch Standard** including claims for retail pharmacy supplies and professional services.

4.2.2.2 Coordination Of Benefits (COB) Transactions

[Receive 837 Coordination of Benefits Transactions]

- The ASC X12N 837 - Health Care Claim: **Professional**, most currently adopted version.
- The ASC X12N 837 - Health Care Claim: **Institutional**, most currently adopted version.
- The ASC X12N 837 - Health Care Claim: **Dental**, most currently adopted version.

4.2.2.3 Eligibility Inquiry And Response Transactions

[Receive 270 Transactions and Send 271 Transactions]

- The ASC X12N 270/271 - Health Care Eligibility Benefit Inquiry and Response, most currently adopted version

4.2.2.4 Referral Certification And Authorization Transactions

[Receive 278 Requests and Send 278 Responses]

- The ASC X12N 278 - Health Care Services Review - Request for Review and Response, most currently adopted version.

4.2.2.5 Claim Status Request And Response Transactions

[Receive 276 Transactions and Send 277 Transactions]

- The ASC X12N 276/277 - Health Care Claim Status Request and Response, most currently adopted version.

4.2.2.6 Payment And Remittance Advice (RA) Transactions

[Send 835 Transactions]

- The ASC X12N 835 - Health Care Claim Payment/Advice, most currently adopted version.

4.2.2.7 Electronic Funds Transfer (EFT) And Remittance Advice (RA)

The contractors shall be able to send the following transmissions:

4.2.2.7.1 [Stage 1 Payment Initiation, transmission of health care payment/processing information]

The National Automated Clearing House Association (NACHA) Corporate Credit or Deposit Entry with Addenda Record (CCD+) implementation specifications as contained in the 2011 NACHA Operating Rules & Guidelines, A Complete Guide to the Rules Governing the Automated Clearing House (ACH) Network as follows (incorporated by reference in § 162.920):

- 2011 NACHA Operating Rules & Guidelines, A Complete Guide to the Rules Governing the ACH Network, NACHA Operating Rules, Appendix One: ACH File Exchange Specifications.
- 2011 NACHA Operating Rules & Guidelines, A Complete Guide to the Rules Governing the ACH Network, NACHA Operating Rules Appendix Three: ACH Record Format Specifications, Part 3.1, Subpart 3.1.8 Sequence of Records for CCD Entries.
- For the CCD Addenda Record ("7"), field 3, the ASC X12 Standards for EDI Technical Report Type 3, "Health Care Claim Payment/Advice (835)," April 2006: Section 2.4: 835 Segment Detail: "TRN Reassociation Trace Number," Washington Publishing Company, 005010X221.

4.2.2.7.2 [Stage 1 Payment Initiation, transmission of health care RA]

- The ASC X12N 835 - Health Care Claim Payment/Advice, most currently adopted version.

4.3 Transactions Exchanged Between The Contractors And Other Health Plans (And Employers, Where Applicable)

4.3.1 The contractor shall ensure HIPAA adopted transactions exchanged between the contractor and other health plans (including TRICARE supplemental plans) are in accordance with HIPAA standard.

4.3.2 The contractors shall be able to electronically transact with other health plans, in accordance with HIPAA adopted Final Rules.

4.3.2.1 COB Transactions

[Send and Receive all HIPAA adopted 837 Transactions]

- The ASC X12N 837 - Health Care Claim: Professional, most currently adopted version.
- The ASC X12N 837 - Health Care Claim: Institutional, most currently adopted version.
- The ASC X12N 837 - Health Care Claim: Dental, most currently adopted version.

4.3.2.2 Eligibility Inquiry And Response Transactions

[Send and Receive 270 Transactions; Send and Receive 271 Transactions]

- The ASC X12N 270/271 - Health Care Eligibility Benefit Inquiry and Response, most currently adopted version.

4.3.2.3 Referral Certification And Authorization Transactions

[Send and Receive 278 Requests; Send and Receive 278 Responses]

- The ASC X12N 278 - Health Care Services Review - Request for Review and Response, most currently adopted version.

4.3.2.4 Payment And Remittance Advice (RA) Transactions

[Send 835 Transactions]

- The ASC X12N 835 - Health Care Claim Payment/Advice, most currently adopted version.

4.3.2.5 Claim Status Request And Response Transactions

[Receive 276 Transactions and Send 277 Transactions]

- The ASC X12N 276/277 - Health Care Claim Status Request and Response, most currently adopted version.

4.3.2.6 Health Plan Premium Payment Transactions

[Receive 820 Transactions]

- The ASC X12N 820 - Payroll Deducted and Other Group Premium Payment for Insurance Products, most currently adopted version.

4.3.2.7 Request To Primary Payer For Payment Already Made By Subordinate Payer (Medicaid)

[Receive Medicaid Pharmacy Subrogation Transactions]

- NCPDP Batch Standard Medicaid Subrogation, most currently adopted version. The Modifications to HIPAA Electronic Standards Final Rule adopted a standard for the subrogation of pharmacy claims paid by Medicaid. This transaction is the Medicaid Pharmacy Subrogation Transaction. The standard for that transaction is the NCPDP Batch Standard Medicaid Subrogation Implementation guide. A Medicaid Pharmacy subrogation transaction is defined as the transmission of a claim from a Medicaid agency to a payer for the purpose of seeking reimbursement from the responsible health plan for a pharmacy claim the State has paid on behalf of a Medicaid recipient. This standard is applicable to Medicaid agencies in their role as health plans, but not to providers or health care clearinghouses because this transaction is not **used** by them. To the extent that Pharmacy Benefit Managers (**PBMs**) and claims processors are required by contract or otherwise to process claims on behalf of TRICARE, **both** shall receive the Medicaid Pharmacy Subrogation Transaction in the standard format.

4.4 Transactions Exchanged Between Contractors And DMDC (DEERS)

4.4.1 Eligibility Inquiries And Response Transactions

Based **upon** the “two-question rule” for determining when a transaction shall be in standard format (see [paragraph 3.2](#)), and the definition of the Eligibility for a Health Plan Transaction in the Final Rule, eligibility inquiry and response transactions occurring between business associates of the same health plan need not be in standard format. **The contractor shall use transactions in the standard format** when the inquiries and responses are between providers and health plans or between health plans and health plans. Because the contractors and DEERS are business associates of the same health plan, eligibility inquiry and response transactions between them may be performed in non-standard format.

4.4.1.1 **The contractor shall perform** real-time eligibility inquiries and responses, associated with enrollment processing, between the contractor and DEERS **via** the Government furnished web-based system/application.

4.4.1.2 Real-time and batch eligibility inquiries and responses between the contractors and DEERS for claims processing and other administrative purposes will be in DEERS specified format.

4.4.2 Enrollment And Disenrollment Transactions

TRICARE enrollment and disenrollment transactions between the contractors and DEERS may be performed using the Government furnished web-based system/application. The Government will provide a HIPAA standard data and condition compliant version of Government furnished web-based system/application for contractor use. Note: Transactions generated by DEERS that validate that enrollments have been established and that are used by **the** contractor to update **its** system files, are not considered covered transactions and may be sent in proprietary format.

4.5 Transactions Exchanged Between **The Contractor And Providers (Network And Non-Network Providers, Markets/MTFs (CHCS and RMS)) Through Direct Data Entry Systems**

4.5.1 Direct Data Entry Systems

4.5.1.1 The contractor shall use standard format for all transactions covered under the Transaction and Code Sets Rule occurring between the contractor and network/non-network providers and Markets/MTFs, unless subject to the direct data entry exception. The contractor may offer a direct data entry system for use by providers. A direct data entry system however, does not replace the requirement to support the standard transactions. The contractor shall ensure direct data entry systems are compliant with standard transaction data content and conditions.

4.5.1.2 The contractor shall ensure its direct data entry system does not add to or delete from the standard data elements and code values. Direct data entry systems may take the form of web applications. Non-standard data elements and code values may be included in the direct data entry system if the non-standard data is obtained or sent through a separate mechanism such as a web page that is separate from the web page containing the standard data content, and the resolution of the standard transaction does not depend on the additional information.

4.6 Transactions Involving Foreign Entities

4.6.1 Electronic transactions from overseas Markets/MTFs and from United States (U.S.) territories will be sent directly to the contractor in standard format or routed through a U.S. based clearinghouse for translation into standard format prior to being sent to the contractor.

4.6.2 The contractor shall accept electronic transactions submitted by foreign entities, such as claims transactions from foreign providers, directly or through a clearinghouse for processing. The contractor shall accept transactions submitted by foreign entities, except for those originating from U.S. territories or overseas Markets/MTFs in non-standard format as they are not covered transactions.

4.6.2.1 Except for transactions originating from U.S. territories or overseas Markets/MTFs (which will be in standard format), the contractor may define the format or formats acceptable from foreign entities, either directly or through a clearinghouse.

4.6.2.2 Where the TRICARE Overseas Program (TOP) contractor pays foreign claims and subsequently bills another contractor for reimbursement, the claim data submitted to the other contractor in support of the invoice shall be sent in standard format.

4.7 Transactions Exchanged Between **The Contractor And DHA**

Payment Record Submissions, TED records, TEPRV records, and TEPRC records - Payment records are considered reports and are not covered transactions. The contractor shall submit payment records in accordance with contract requirements.

4.8 Clearinghouse Use By **The Contractor**

4.8.1 The contractor may use contracted clearinghouses for the purposes of receiving, translating, and routing electronic transactions on its behalf. Contractor-contracted clearinghouses may receive standard transactions, convert them into the contractors' system formats and route them

to the contractors' systems for processing. The contractor may send non-standard formatted transactions to its contracted clearinghouses for the purposes of translating them into standard format and routing them to the intended recipients.

4.8.2 Transactions between health care clearinghouses shall be conducted in standard format.

4.8.3 Where a contractor has contracted with the same clearinghouse as the entity that is submitting or receiving the transaction, the clearinghouse shall convert the nonstandard transaction into the standard prior to converting it again to the intended recipient's format and sending.

5.0 TRADING PARTNER AGREEMENTS

5.1 The contractor shall have trading partner agreements with all entities with which electronic transactions are exchanged. Where a provider uses a billing service or clearinghouse to exchange transactions, the contractor shall have a trading partner agreement with both the provider and billing service/clearinghouse. The contractor shall ensure trading partner agreements with providers contain a "provider signature on file" provision that allows the contractor to process the electronic transaction if the provider signature on file requirement is not being met through another vehicle (e.g., provider certification). The contractor shall develop and execute trading partner agreements that comply with all DoD and DHA privacy and security requirements. See Appendix A for the definition of "trading partner agreement." The contractor shall ensure all trading partner agreements, including all existing and active trading partner agreements previously executed, are updated, and kept updated, to reflect current requirements.

5.2 Implementation Guide Requirements

5.2.1 The contractor shall ensure trading partner agreements include, as recommended in the American National Standard Institute (ANSI) ASC X12N transaction implementation guides, any information regarding the processing, or adjudication of the transactions that are helpful to the trading partners and simplify implementation.

5.2.2 The contractor shall ensure trading partner agreements do NOT:

- Modify the definition, condition, or use of a data element or segment in a standard Implementation Guide.
- Add any additional data elements or segments to a standard Implementation Guide.
- Use any code or data values, which are not valid to a standard Implementation Guide.
- Change the meaning or intent of a standard Implementation Guide.

6.0 ADDITIONAL NON-HIPAA TRANSACTIONS REQUIRED

The contractor shall implement the following non-HIPAA mandated transactions as appropriate.

6.1 Acknowledgments

The following are required for determining an incoming transaction to be HIPAA-compliant:

- The interchange or “envelope” shall be correct;
- The transaction shall be syntactically correct at the standard level;
- The transaction shall be syntactically correct at the implementation guide level; and
- The transaction shall be semantically correct at the implementation guide level.

Syntax relates to the structure of the data. Semantics relates to the meaning of the data. Any transaction that meets these four requirements is HIPAA-compliant and shall be accepted.

Note: In the case of a claim transaction, “accepted” does not mean that it shall be paid. A transaction that is accepted may then be subjected to business or application level edits. “Accepted” transactions, i.e., those that are HIPAA-compliant, that subsequently fail business or application level edits shall be rejected, developed, or denied in accordance with established procedures for such actions.

6.1.1 Interchange Acknowledgment

The Interchange or TA1 Acknowledgment is a means of replying to an interchange or transmission that has been sent. The TA1 verifies the envelopes only. **The** contractor shall develop and implement the capability to generate and send the following transaction. Reference the most currently adopted HIPAA version of ASC X12C/231 Implementation Acknowledgment for Health Care Insurance (999) TR3, Appendix C.1, to address implementation use of this transaction.

- The ANSI ASC X12N TA1 - Interchange Acknowledgment Segment.

6.1.2 Implementation Acknowledgment

The Implementation Acknowledgment Transaction is used to report the results of the syntactical analysis of the functional groups of transaction sets. It is generally the first response to a transaction. (Exception: The TA1 will be the first response if there are errors at the interchange or “envelope” level.) Implementation acknowledgment transactions report the extent to which the syntax complies with the standards for transaction sets and functional groups. They report on syntax errors that prevented the transaction from being accepted. Version 5010 of the implementation acknowledgment transaction does not cover the semantic meaning of the information encoded in the transaction sets. The implementation acknowledgment transaction may be used to convey both positive and negative acknowledgments. Positive acknowledgments indicate that the transaction was received and is compliant with standard syntax. Negative acknowledgments indicate that the transaction did not comply with standard syntax. **The** contractor shall develop and implement the capability to generate, send, and receive the following transaction (both positive and negative).

- The ASC X12N 999 - Implementation Acknowledgment, most currently adopted version.

6.1.3 Implementation Guide Syntax And Semantic And Business Edit Acknowledgments

6.1.3.1 The contractor may use a proprietary acknowledgment to convey implementation guide syntax errors, implementation guide semantic errors, and business edit errors. Alternatively, for claim transactions (ANSI ASC X12N 837 Professional, Institutional, or Dental), the Health Care Claim Acknowledgment Transaction (ANSI ASC X12N 277CA) may be used to indicate which claims in an 837 batch were accepted into the adjudication system (i.e., which claims passed the front-end edits) and which claims were rejected before entering the adjudication system.

6.1.3.2 In the future, the standards may mandate transactions for acknowledgments to convey standard syntax, implementation guide syntax, implementation guide semantic, and business/application level edit errors. The contractor shall develop and implement the capability to generate and send the following transaction(s).

6.1.3.2.1 A proprietary acknowledgment containing syntax and semantic errors at the implementation guide level, as well as business/application level edit errors.

6.1.3.2.2 For 837 claim transactions, the contractor may use the Health Care Claim Acknowledgment Transaction Set (ANSI ASC X12N 277CA, most currently adopted version) in place of a proprietary acknowledgment.

6.2 Medicaid Non-Pharmacy Subrogation Claims

6.2.1 When a beneficiary is eligible for both TRICARE and Medicaid, 32 CFR 199.8 establishes TRICARE as the primary payer. Existing TRICARE policy requires the contractor to arrange COB procedures with the various states to facilitate the flow of claims and to try to achieve a reduction in the amount of effort required to reimburse state funds erroneously disbursed on behalf of the TRICARE-eligible beneficiary. TRICARE Policy requires the contractor make disbursements directly to the billing state agency.

6.2.2 Currently, a subrogation non-pharmacy claim from a Medicaid State Agency is not a HIPAA covered transaction since the Transaction and Code Sets Rule defines a health care claim or equivalent encounter information transaction as occurring between a provider and a health plan. Since Medicaid State Agencies are not providers, their claims to TRICARE are not covered transactions and need not be in standard format; however, currently adopted HIPAA ASC X12 837 claim standards used for processing Institutional, Professional and Dental claims include the ability to perform Medicaid subrogation. While they are not currently mandated for use under HIPAA, covered entities are not prohibited from using currently adopted HIPAA transactions for non-pharmacy Medicaid subrogation transactions between willing trading partners.

- In accordance with existing TRICARE policy, the contractor shall coordinate with the Medicaid State Agencies submitting non-pharmacy claims and define the acceptable forms and formats of the claims the Medicaid State Agencies shall use when billing TRICARE. State Agency Billing Agreements shall be modified to reflect the acceptable forms and formats.

Note: It is expected that the Secretary, HHS will modify the standard to incorporate Medicaid subrogation claims as HIPAA covered transactions sometime in the future. If this occurs, this section will be modified to reflect the change.

7.0 MISCELLANEOUS REQUIREMENTS

7.1 Paper Transactions

7.1.1 The contractor shall continue to accept and process paper-based transactions.

7.1.2 The contractor may pay claims via electronic funds transfer or by paper check. The ASC X12N 835 Health Care Claim Payment/Advice transaction contains two parts, a mechanism for the transfer of dollars and one for the transfer of information about the claim payment. These two parts may be sent separately. The 835 Implementation Guide allows payment to be sent in a number of different ways, including by check and electronic funds transfer. The contractor shall be able to send the RA portion electronically but may continue to send payment via check.

7.1.3 Current applicable requirements for the processing of paper-based and electronic media transactions, such as claims splitting, forwarding out-of-jurisdiction claims, generating and sending EOBs to beneficiaries and providers, etc., apply to the processing of electronic transactions.

7.2 Attendance At Designated Standards Maintenance Organization (DSMO) Meetings

7.2.1 The contractor shall regularly send representatives to the following separate DSMO Trimester meetings: ANSI Accredited Standards Committee X12 (ASC X12) Standing Meetings, and the Health Level Seven (HL7) Working Group Meetings. The contractor shall send one representative to each DSMO Trimester meeting. The contractor may elect to send representatives from its claims processing subcontractor(s) in place of a contractor representative. The contractor shall make every effort to have the same representatives attend each meeting for continuity purposes. The team lead will be the DHA representative in attendance.

7.2.2 The contractor shall ensure its representatives are knowledgeable regarding TRICARE program requirements, and of its own administrative and claims processing systems. Prior to attending a DSMO meeting, the contractor shall identify from within their own organizations any issues that need to be addressed at the DSMO meeting. The contractor shall inform the DHA representative (team lead) of the issues at least one week prior to the meetings.

7.2.3 The contractor shall ensure its representatives attend the DSMO meetings as exclusive advocates for TRICARE business needs and shall not divide their participation and attention with any commercial business needs and concerns. The contractor shall ensure its representatives attend and participate in workgroup and full committee meetings. The contractor shall ensure its representatives work within the DSMOs to incorporate into the standards and implementation guides any data elements, code values, etc., that are required to conduct current and future TRICARE business. The contractor shall ensure its representatives also work to prevent removal of any existing data elements, code values, etc., from the standards and implementation guides that are necessary to conduct current and future TRICARE business.

7.2.4 When attending the DSMO meetings, the contractor shall ensure its representatives shall work as a team and collaborate with other Government and DoD/TRICARE representatives. The contractor shall ensure its representatives register under the DoD/Health Affairs (HA) DSMO memberships. The contractor shall ensure its representatives take proposed changes through the processes necessary for adoption within the DSMOs. The contractor shall ensure its representatives track and reporting on the status of each proposed change as it progresses through the process.

7.2.5 Contractor representatives shall keep DHA apprised of any additions to the standards that shall be made to accommodate TRICARE business needs and of any proposed changes to existing standards and implementation guides. Following a DSMO meeting, each representative attendee shall prepare a summary report that includes, at a minimum; the work group and full committee meetings attended, a brief description of the content of the meetings, the status of any changes in progress, and any problems or information of which the Government/DHA should be aware. Each representative shall submit their reports to the DHA team lead within 10 **business** days following the DSMO meetings.

7.3 Provider Marketing

7.3.1 The contractor shall encourage providers to **use** electronic transactions only through marketing and provider education vehicles permitted within existing contract limitations and requirements. No additional or special marketing or provider education campaigns are required. The contractor shall educate providers on the cost and efficiency benefits that **may** be realized through adoption and **use** of electronic transactions.

7.3.2 The contractor shall assist and work with providers, who wish to exchange electronic transactions, to establish trading partner agreements and connectivity with **its** systems and to implement the transactions in a timely manner. The contractor **is** not required to perfect transactions on behalf of trading partners.

7.4 Data And Audit Requirements

7.4.1 The contractor shall **store** all HIPAA-covered electronic transaction data, including eligibility and claims status transaction data, as outlined in [Chapter 9](#). The contractor shall refer to [Chapter 9](#) if directed by DHA to freeze records, **to** include, electronic transaction data.

7.4.2 The contractor shall generate transaction histories covering a period of up to seven years upon request by DHA in a text format (delimited text format for table reports) that is able to be imported, read, edited, and printed by Microsoft® Word (Microsoft® Excel for table reports). The contractor shall have the ability to generate transaction histories on paper. The contractor shall ensure transaction histories include at a minimum, the transaction name or type, the dates the transaction was sent or received and the identity of the sender and receiver. The contractor shall ensure transaction histories **are readable and understandable** by a person.

7.4.3 Transaction data is subject to audit by DHA, DoD, HHS, and other authorized Government personnel. The contractor shall have the ability to retrieve and produce all electronic transaction data upon request from DHA (for up to seven years, or longer if the data is being retained pursuant to a records freeze), to include reasons for transaction rejections as outlined in [Chapter 9](#).

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