

HHS FAQs Elaborate on HIPAA Administrative Simplification Enforcement and Compliance

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The Health Insurance Portability and Accountability Act of 1996 (HIPAA) Administrative Simplification Frequently Asked Questions (Sept. 27, 2024)

Available at <https://www.cms.gov/files/document/hipaa-enforcement-and-compliance-faq.pdf>

HHS's National Standards Group (NSG) has issued FAQs to elaborate on HIPAA administrative simplification enforcement and compliance. As background, NSG administers HHS's compliance review program for the administrative simplification rules, including investigating complaints of noncompliance and making decisions regarding enforcement. Here are highlights:

- **Enforcement.** The FAQs clarify that NSG enforces HIPAA administrative simplification provisions by investigating complaints through requesting and reviewing documentation to determine if a violation has occurred and conducting random compliance reviews. If a violation has occurred, NSG may request that the entity take corrective action and if this is not completed, impose a civil monetary penalty.
- **ASETT.** The FAQs note that the Administrative Simplification Enforcement and Testing Tool (ASETT) is a free, multipurpose tool that may be used by anyone to file an anonymous complaint with NSG against a HIPAA covered entity that they believe failed to comply with regulations for electronic transactions, operating rules, code sets, and unique health identifiers. Users may also use ASETT to test their own electronic health care transactions and their trading partners' transactions to ensure compliance with HIPAA standards. The FAQs include information on what needs to be included in a complaint and how NSG processes HIPAA complaints after they are received, along with information on who to contact if there are issues with ASETT. Details are noted on what is needed to test HIPAA transactions on ASETT, with specifics on testing transactions using the ASC X12 5010 standards.

EBIA Comment: The full list of FAQs can be found on the [Enforcement and Compliance FAQ webpage](#). Additional resources and materials are provided in the NSG enforcement and compliance section of the [Administrative Simplification enforcement resources and FAQ webpage](#). NSG also provides educational materials on NSG's [HIPAA administrative simplification standards webpage](#). Covered entities should keep abreast of CMS's guidance on HIPAA administrative provisions and resources to avoid the cost and inconvenience of enforcement actions. For more information, see EBIA's HIPAA Portability, Privacy & Security manual at Sections XX ("Enforcement of Privacy, Security, and EDI Rules") and XXXII ("Electronic Transactions and Code Sets"). See also EBIA's Self-Insured Health Plans manual at Section XXXI ("Overview of HIPAA Administrative Provisions").

Contributing Editors: EBIA Staff.