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TRICK OR TREAT? HPID REQUIREMENT DELAYED UNTIL FURTHER NOTICE

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Back in the Spring, the lack of clarity on application of the HPID requirement to self-funded group health plans and issues with the CMS portal led us to the conclusion that plan sponsors were better off waiting until the Fall before filing for an HPID. Yet, as the November 5, 2014 deadline approached with no further guidance in sight, it seemed as if plan sponsors needed to get moving on their HPID application given the time consuming nature of the process and potential for technical failures if the CMS portal became overwhelmed in the final weeks prior to the deadline. Then, last Friday, Halloween, and mere days before the deadline, CMS quietly and without fanfare announced on its website, a delay, until further notice, in its enforcement of the regulations on obtaining and using the HPIDs in HIPAA transactions. As usual, those who procrastinated get the benefit of the delay.

Plan sponsors who have secured an HPID should sit tight. Although there is no need to employ the use of the HPID at this time, CMS technically has not rescinded the requirement; but rather, has simply announced an enforcement delay. Of course, the duration of the delay remains to be seen. And for those entities who just hadn't gotten around to securing an HPID – or who had technical difficulties in securing one (we heard this was tough) – you too can sit tight. Not a trick – this is a bit of a treat for the time being.

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