



Single-Source Solution
for Workers' Compensation

Government Affairs Alert

December 22, 2009

Minnesota Department of Health Issues eBilling Update

The Minnesota Department of Health (MDH) recently issued an *Implementation and Compliance Update* relating to implementation of eBilling and ability of 'group purchasers' (payors) to charge for eBilling connectivity.

Minnesota Statutes, Section 62J.536, currently require all healthcare group purchasers and all healthcare providers exchange three types of healthcare administrative transactions (eBilling) electronically, using a single, uniform data contact and format effective in 2009. The statute and related rules apply to all group purchasers licensed or doing business in Minnesota as well as to all healthcare providers providing services for a fee in Minnesota – workers' compensation payors and providers are not exempt.

The recent update is intended to provide guidance regarding implementation of eBilling processes – specifically initial connectivity – and educate payors and their clearinghouses/agents on compliance. MDH indicates it has come to their attention that some payors and/or their agents have been or are attempting to charge fees for standard eBilling connectivity. It is the opinion of MDH that these charges are prohibited under certain circumstances. The recent update specifically addresses this issue (of entities charging providers for standard e-connectivity) by stating:

- Minnesota Statutes, Section 62J.536 Subdivision 1f, states – Group purchasers may not impose any fee on providers for use of the transactions prescribed in this subdivision.
- Pursuant to the statute, payors – and their agents such as clearinghouses – may not charge providers (or their agents) a fee to receive **standard** Minnesota compliant electronic transactions.

MDH further states that payors required to comply with eBilling requirements can be held responsible for the action/inaction of their eBilling/connectivity agents, and should ensure they (and their agents) are acting in a compliant manner. MDH specifically states:

- A Payor's clearinghouse **may not** condition acceptance of compliant eBilling transactions on the provider's agreement to pay for additional services.
- Payors are responsible for ensuring that they (anyone acting on their behalf) are comply with eBilling requirements – and should review their methods (and their agent's) methods of eBilling to ensure compliance.
- Payors **not** in compliance must take **immediate** action to ensure they achieve compliance.

MDH intends this update to act as an educational piece on this issue, but also as an initial warning to non-compliant entities or entities, or who may be improperly charging for standard e-connectivity. More information on MN eBilling requirements can be found at www.health.state.mn.us/asa.

pharmacy

medical services
and equipment

settlement
solutions™