

What's the Delay in the ICD-10 Delay?

Save to myBoK

By Dan Rode

Just when the Department of Health and Human Services will announce its final decision on a delay for ICD-10-CM/PCS compliance is the question on many minds lately.

While a firm announcement date has not been determined, AHIMA's Advocacy and Policy staff in Washington, D.C. are closely monitoring a variety of governmental communication outlets and regulatory bodies in anticipation of an ICD-10-CM/PCS compliance date final rule, which could be released in the near future, according to Dan Rode, MBA, CHPS, FHFMA, AHIMA's vice president of advocacy and policy.

While the industry waits for HHS' announcement, Rode explains below the background and process for the ICD-10-CM/PCS compliance date delay, where the decision currently sits, and just what steps the federal government will take before the final ICD-10-CM/PCS compliance date is announced.

First, Some Background

The notice of proposed rulemaking (NPRM) regarding ICD-10-CM/PCS was published in August 2008. In that proposal, the Centers for Medicare and Medicaid Services (CMS) suggested a two-year process for implementation.

The final rule was published in January 2009 and became effective on March 17, 2009 (a unique aspect of the HIPAA rule is that it requires a 60-day period between the publishing of a final rule and its effective date). The final rule indicated that the implementation period would be extended to October 1, 2013, about four and a half years from the effective date.

A political decision was made in February 2012 to extend the delay. Undoubtedly political pressure from the American Medical Association contributed to the decision, as did other legislative issues being debated by the US Congress at the same time. Nonetheless, an official announcement was made by the HHS Secretary indicating that a delay in the compliance date would be considered.

The official notice of a delay was posted as an NPRM in the April 17, 2012 *Federal Register*. Part of the process before publishing is essentially a risk assessment by the White House Office of Management and Budget (OMB). While normally the healthcare industry would be alerted by the listing of a NPRM or final rule on the OMB website, the ICD-10-CM/PCS notice was buried in the title *Adoption of a Standard for a Unique Health Plan Identifier; Addition to the National Provider Identifier Requirements; and a Change to the Compliance Date for ICD-10-CM and ICD-10-PCS Medical Data Code Sets*.

The April 17 NPRM gave organizations by May 17 to respond, or 30 calendar days. Reports estimate 530 responses were submitted for consideration. Under the law, CMS is required to read and respond to all 530 comments, although it is not clear that all comments were related to ICD-10.

AHIMA's Advocacy and Policy staff learned that CMS staff arrived at recommendations on the delay—proposed by CMS to be one year—by late June. But this was essentially a political change in the rule, not technical, so the options and decision have to be shared with the CMS Administrator, the HHS Secretary, and potentially the White House.

Next Steps for the ICD-10 Decision

Once a decision is made to accept an option, the final or potentially the interim final rule (a rule that has some requirements that might be changed given more public input) must again be assessed by the OMB. The healthcare industry then starts the

watch for an OMB listing, a CMS announcement of a “display copy” (not the final rule but its draft), and the final or interim rule itself published in the Federal Register.

The effective date of the rule in this case should be 60 days after the Federal Register final rule. In the rule will be the new compliance date or dates.

HIPAA established that the federal government oversees the use of standards for administrative transactions. CMS, the designated agency for all the requirements other than privacy and security, must provide its guidance and direction under HIPAA and several other federal rules.

These rules were established to provide order and afford public comment; therefore, AHIMA staff, its members, and the entire healthcare industry will have to wait and monitor the process to determine the final decision on a new ICD-10 compliance date.

Original source:

Rode, Dan. "What's the Delay in the ICD-10 Delay?" ([Journal of AHIMA website](#)), July 18, 2012.

Driving the Power of Knowledge

Copyright 2022 by The American Health Information Management Association. All Rights Reserved.