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IMPLEMENTATION AND COMPLIANCE UPDATE #2

Payers (or Their Agents) May Not Charge for Receiving a Standard Transaction

Intended Audience and Purpose

[Minnesota Statutes, chapter 62J, section 536 \(www.revisor.mn.gov/statutes/cite/62J.536\)](http://www.revisor.mn.gov/statutes/cite/62J.536) requires all health care “group purchasers” (health plans, TPAs, insurance carriers, and other payers) and all health care providers exchange three types of health care administrative transactions electronically, using a single, uniform data content 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 health care providers providing services for a fee in Minnesota and who are otherwise eligible for reimbursement under the state’s Medical Assistance (Medicaid) program.

This update provides guidance regarding implementation and enforcement of Minnesota Statutes, chapter 62J, section 536 and related rules. It is intended for health care group purchasers (payers) and providers, as well as clearinghouses, billing services, other vendors, and any interested parties.

Problem to be Addressed, Actions to be Taken

- Minnesota Statutes, chapter 62J, section 536, subd. 1f, states: Group purchasers may not impose any fee on providers for the use of the transactions prescribed in this subdivision.
- It has come to MDH’s attention that some payers or their agents are charging fees that are not in compliance with the statute.
- Pursuant to the statute, health care payers, or their agents such as health care clearinghouses, may not charge providers (or their agents) a fee to receive a standard, electronic, Minnesota-compliant transaction.
- A payer’s clearinghouse may not condition acceptance of a compliant electronic transaction on the provider’s agreement to pay for additional services.
- **Payers are responsible for ensuring they, and anyone acting on their behalf, are complying with the statute.**
- Payers should review their methods and arrangements for exchanging standard, electronic, Minnesota-compliant transactions with providers to ensure they are in compliance with all aspects of Minnesota Statutes, chapter 62J, section 536 and related rules, including Minnesota Statutes, chapter 62J, section 536, subd. 1f.
- Payers not in compliance must immediately take any actions needed to come into compliance.

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Additional Resources and Information

- [Health Care Administrative Simplification \(www.health.state.mn.us/facilities/ehealth/asa\)](http://www.health.state.mn.us/facilities/ehealth/asa)
- [Minnesota Administrative Uniformity Committee \(www.health.state.mn.us/facilities/ehealth/auc\)](http://www.health.state.mn.us/facilities/ehealth/auc)
- [CMS Administrative Simplification \(www.cms.gov/priorities/key-initiatives/burden-reduction/administrative-simplification\)](http://www.cms.gov/priorities/key-initiatives/burden-reduction/administrative-simplification)

Minnesota Department of Health
Center for Health Information Policy and Transformation
health.asaguides@state.mn.us
www.health.state.mn.us

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