

CMS Plans More On-Site HIPAA Audits than Originally Intended: CMS has announced an indefinite delay in the commencement of the next phase of HIPAA compliance audits. Due to the delay in implementation of this next stage, which was due to begin this fall, CMS is advising that they will be planning far more on-site compliance audits than they had originally intended to perform. Not surprisingly, the delay is a result of the failure of the software CMS is relying on to perform the desk-audits, or off-site audits, being timely installed and updated. CMS is refusing to provide a timeline for when the next phase of audits will actually begin; however, they are anticipating cutting the number of desk-audits by 50%. It is expected that the reduction in desk-audits will be directly proportional to the increase in on-site audits. For more information on this development, see: <http://ow.ly/BqcRZ>.

Full District of Columbia Circuit Court to Re-Hear Case Challenging ACA Subsidies: As we previously reported in July 2014, within a span of two hours the U.S. Court of Appeals for the District of Columbia Circuit and the U.S. Court of Appeals for the Fourth Circuit issued conflicting rulings concerning insurance subsidies that help millions of Americans pay for insurance under the Affordable Care Act (“ACA”). The issue is over a particular clause within the ACA that provides subsidies to those Americans who purchase their insurance through an exchange “established by the State.” The ACA does not expressly mention, however, the federal exchange. The challengers to the ACA argued, and the U.S. Court of Appeals for the District of Columbia Circuit agreed, that the language is clear and that tax credits are available only for purchases through the state exchanges. The District of Columbia decision was seen as a victory for opponents of the ACA. It is anticipated that the announcement and decision to re-hear the case with a full panel of judges is suggesting a reversal of the prior decision. The re-hearing will certainly delay any potential consideration of the case by the United States Supreme Court.

New Jersey Physicians Use of New Paper Prescription Blanks – Deadline Extended: In February of this year the New Jersey Board of Medical Examiners approved and mandated new security features for paper prescription blanks. Among the security upgrades are color-changing ink, 0.5 point micro printing, a 15 digit individual identification number for each blank, a barcode matching that number and a hidden word feature. State approved printers and sellers of New Jersey prescription blanks were required to stop selling the old format on May 18, 2014. Likely due to the difficulty of filling many orders for the new blanks, the SBME has extended the deadline for use of the new blanks to September 19, 2014. If you have not yet ordered your new paper prescription blanks, now is the time – if you still have old blanks, you may continue to use them up to and including September 18, 2014. For more information, and for the required Confirmation form to be filed after destruction of any unused, old blanks, see: <http://ow.ly/BqcVf>.

For more information on the above items, contact Kern Augustine Conroy & Schoppmann, P.C. at 1-800-445-0954 or via email at info@DrLaw.com.



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