

ICD-10 DELAY	RULEMAKING COMMENTS 45 DAY COMMENT PERIOD	NAME OF PERSON/ AFFILIATION	RESPONSE	ACTION
9792.5.1	<p>Commenter supports these proposed regulations to delay ICD-10 implementation until at least October 1, 2015. Commenter opines that with the federal postponement of the ICD-10 transition, this revision will put California in sync with the broader health system, including Medicare. Commenter states that aligning California ICD-10 implementation to the federal transition will eliminate potentially significant issues with the Medicare Section 111 reporting process and other issues that may arise out of two different standards for injury coding.</p>	<p>Janet Selby, MA ARM - Workers' Comp Manager Municipal Pooling Authority July 25, 2014 Written Comment</p>	<p>Agree.</p>	<p>No action required.</p>
9792.5.1	<p>Commenter supports the proposed delay in implementation of the ICD-10 and recommends more flexible language to align with the eventual federal implementation of ICD-10 coding while avoiding the potential need for additional rule-making to address any further federal delay.</p> <p>There have already have been multiple delays in the federal implementation of ICD-10 coding. The most recent was this year's requirement in H.R. 4302 which prevented the Secretary of</p>	<p>Kevin Tribout Executive Director Government Affairs PMI/PMSI August 8, 2014 Written Comment</p>	<p>The Division agrees with the commenter's support of the delay in the current October 1, 2014 implementation of the ICD-10.</p> <p>The Division disagrees with the commenter's suggestion to amend the language to make the ICD-10 effective "when required under federal HIPAA standards." Although this approach sounds like a streamlined solution, it does not comport with California</p>	<p>No action required.</p>

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	<p>the Department of Health and Human Services (HHS) from adopting ICD-10 code sets prior to October 1, 2015. Though HHS has since published a final rule requiring use of ICD-10 beginning October 1, 2015, commenter opines that it is not beyond reason that another delay may occur.</p> <p>If ICD-10 implementation for workers' compensation purposes is tied to a specific date within the Division's regulations, a further delay or change in the federal implementation date will again require another rule-making and comment period.</p> <p>To avoid this, commenter recommends that the Division, in this rule-making, amend the proposed language to require implementation of ICD-10 for workers' compensation purposes "when required under federal HIPAA standards." Commenter opines that this will avoid future rule-making efforts just to push the date back further to accommodate any further federal delays, while at the same time align</p>		<p>rulemaking requirements. In order to adopt the ICD-10, the Division needs to adopt the various ICD-10 CM and ICD-10 PCS documents that constitute the ICD-10. This necessitates "incorporating by reference" the various documents and files and making them part of the regulation. The Administrative Procedure Act's implementing regulations require that in order for a document to be incorporated by reference, it must be identified by title and date. Title 1, California Code of Regulations §20 subdivision (c) states in pertinent part: "An agency may "incorporate by reference" only if the following conditions are met: *** (4) The regulation text states that the document is incorporated by reference and identifies the document by title and date of publication or issuance. Where an authorizing California statute or other</p>	

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	with the statutory mandate in Labor Code §4603.4 that, “to the extent feasible,” adopted billing standards be consistent with existing standards under HIPAA.		applicable law requires the adoption or enforcement of the incorporated provisions of the document as well as any subsequent amendments thereto, no specific date is required.” There is no authorizing California law which <i>requires</i> adoption of ICD-10. The statutory prescription to adopt standards that are consistent with HIPAA “to the extent feasible” requires the exercise of discretion by the Administrative Director in determining what is “feasible.”	
9792.5.1	Commenter reviewed the proposed regulation and has no comment.	Peggy Thill Claims Operations Manager State Compensation Insurance Fund September 8, 2014 Written Comment	The Division appreciates the commenter reviewing the proposed regulation.	No action required.