



## **Protocol**

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## **INTRODUCTION**

The purpose of this document is to describe the operational protocol of the National Uniform Billing Committee (NUBC).

### **Background**

The NUBC is an unincorporated association formally organized in May 1975. The goal of the NUBC is to develop and maintain a national uniform billing instrument for use by the institutional health care community. After seven years of analysis and discussion, the NUBC approved the Uniform Billing (UB) data set and form. It was designed to convey a core set of data containing pertinent information about patient services, the clinical basis for treatment, related events surrounding the care, as well as other information typically needed by third-party payers, and health researchers.

The first adopted form was the UB-82; it was in use for 10 years. Its successor the UB-92 form was in use for 12 years. The current form is the UB-04. The numeric suffix indicates the year the paper form was approved for use. The development of the paper form, along with its corresponding data set, paved the way for the creation of an electronic equivalent.

NUBC representation includes national provider and payer organizations, electronic standard setting organizations, state associations, public health agencies, and other committees or associations. The members of the NUBC provide an authoritative voice regarding the development of the data content and data definitions for the institutional claim. The NUBC is one of four organizations recognized in the Health Insurance Portability and Accountability Act of 1996 (HIPAA) for a special consultative role around the development and adoption of administrative transactions for the electronic exchange of health information. The other three organizations are the American Dental Association's (ADA's) Dental Content Committee (DeCC), National Uniform Claim Committee (NUCC), and the Workgroup for Electronic Data Interchange (WEDI).

The final rule on Standards for Electronic Transactions published on August 17, 2000 calls for the creation of the Designated Standards Maintenance Organizations (DSMO). The charge of the DSMO is to maintain the electronic transaction standards adopted by the Secretary of Health and Human Services.

The following six organizations serve as part of the DSMO, they are:

- Accredited Standards Committee X12 (ASC X12),
- Dental Content Committee (DeCC) of the American Dental Association
- Health Level 7 (HL7),
- National Council for Prescription Drug Programs (NCPDP)
- National Uniform Billing Committee
- National Uniform Claim Committee

## I. NUBC ORGANIZATION

The NUBC brings together various organizations that represent a unique perspective and interest in institutional health care claims. Representation on the NUBC includes a balance of national payer and provider organizations as well as representatives from standard setting bodies, and other national committees and associations.

To be considered for membership, organizations must meet the following criteria:

- They must be national in scope and represent a unique constituency directly affected by institutional billing transactions.
- The individual representative must represent the perspective of the sponsoring organization and the applicable constituency.
- Each representative has the ability to quickly obtain needed approvals from his/her organization and constituency, so that the NUBC can achieve an expedited process that meets the needs of the health care community.
- The representative has the means to communicate information among the committee and to the group(s) they represent.

The following organizations currently serve on the committee as voting members (the primary constituency/audience of each is also noted):

### Providers

1. American Hospital Association (AHA) - hospitals and health systems
2. \*State Hospital Association - hospitals and health systems
3. \*State Hospital Association - hospitals and health systems
4. \*State Hospital Association - hospitals and health systems
5. American Health Care Association (AHCA) - long term care providers
6. Federation of American Hospitals (FAHS) - hospitals and health systems
7. Federation of American Hospitals (FAHS) - long term care provider systems
8. National Association for Homecare & Hospice (NAHC) - home care agencies, hospices, and home care aide organizations

### Payers

1. Alliance for Managed Care - large commercial health insurers
2. America's Health Insurance Plans (AHIP) – commercial insurance plans
3. Blue Cross and Blue Shield Association (BCBSA) - Blue Cross and Blue Shield Plans
4. Defense Health Agency - TRICARE Health Plan
5. Centers for Medicare & Medicaid Services - Medicaid perspective
6. Centers for Medicare & Medicaid Services - Medicare perspective
7. National Association of Medicaid Directors (NAMD) - directors of state Medicaid agencies

8. Commercial health plan representative – AHIP and BCBSA will name another representative. This seat will be filled by health plan that is both an AHIP member and a Blue Plan. AHIP membership will be confirmed on an annual basis to ensure the Plan meets both qualifications.

#### Committees

- National Uniform Claim Committee – committee coordinating professional health care claims

#### Public Health Organizations

1. National Center for Health Statistics – Federal perspective
2. National Association of Health Data Organizations – State perspective

#### National Association

- Healthcare Financial Management Association – membership organization for healthcare financial management executives and leaders

#### Health Information Technology (HIT) Vendor

#### Electronic Standards Development Organizations

- ANSI ASC X12 Insurance Subcommittee - EDI standards developers

Total voting members = 22

\* The three state hospital associations are selected by the American Hospital Association.

### **A. Membership**

#### Approval

The addition or termination of a member organization (other than the state associations) shall be subject to approval by a vote of the NUBC after the application has been processed in accordance with procedures outlined below.

#### Requests

A request for membership shall be addressed to the NUBC. The request shall indicate the applicant's direct and material interest in the committee's work, its qualifications and willingness to participate actively, and, the applicant organization shall identify a representative (and an alternate, if desired).

#### Criteria

In recommending the appropriate action on applications for membership, the NUBC or a special designated subcommittee, shall consider the following criteria:

1. Organization provides a unique perspective that is not currently provided by another member organization of the NUBC.
2. Organization is national in scope and represents a unique constituency that is affected by the deliberations of the NUBC.
3. Organization has demonstrated a willingness to actively participate and has shown an expressed interest by having a representative attend several onsite NUBC meetings.
4. Requestor has senior management support for NUBC involvement.
5. Organization has the ability to communicate to their constituency the deliberations, issues, or requests that come before the NUBC.
6. Organization would bring a voting balance among provider and payer categories (applies only when there is an unbalance within the provider and payer category).

When appropriate, the NUBC may recommend that the applicant seek representation through an organization that is already a member and represents the same or similar interest.

The NUBC can elect to review the membership list no more than once a year. Members are expected to fulfill obligations of active participation. Where a member is found in habitual default of these obligations (e.g., representative misses two or more meetings), and/or fails to comply with the requirements as outlined in this protocol, the NUBC shall take appropriate action, which may include pursuing a replacement of the representative, or the termination of the organization as a member.

Voting members shall review and vote on the organization and the individual named as the representative. Each member organization is responsible for the expenses of the individual participating in the NUBC or any subcommittee. Member organizations if they want to can also name an alternate representative.

Alternates when fulfilling the duties of the primary representative shall have the same responsibilities. The name of the alternate should be forwarded to the Secretary of the NUBC. The alternate can vote on behalf of the organization they represent in the absence of the primary representative.

Member organizations that miss more than 50% of meetings (including conference calls) during a calendar year will be reviewed by the NUBC. The NUBC may request that the member organization designate a replacement or propose termination of the member. The Chair will communicate concerns with the member organization about their participation on the NUBC.

## **B. Voting Privileges**

Each of the listed member organizations (indicated above on pages 4 and 5) of the NUBC is allocated one vote. Votes are made on any changes -- additions, deletions, clarifications and/or recommendations -- to the national UB data set specifications (content) as well as changes to any format changes that may be required to the paper form, or additional instructions pertaining to NUBC codes utilized in the electronic transaction standard. The NUBC is also responsible for approving any changes to the NUBC Protocol as determined appropriate. Actions on NUBC membership and changes to the protocol shall require a two-thirds vote of those members present. Actions on other items will require a simple majority of those members present.

## **C. Responsibility as Secretariat**

The AHA, as Secretariat of the NUBC, is responsible for the ongoing maintenance of NUBC records, and the general administrative affairs of the NUBC. The Secretariat duties of the AHA include:

- Convening the NUBC
- Providing staff to serve as Chair and Secretary of the NUBC
- Maintaining a historical record of the proceedings of the NUBC
- Holding the intellectual property on behalf of the NUBC
- Maintaining the copyright of materials developed by the NUBC and taking necessary action to protect that copyright
- Entering into contracts on behalf of the NUBC
- Providing staff and other resources to support the work of the NUBC, including meetings, meeting materials, meeting minutes, and other items necessary to fulfill the meeting requirements of the NUBC
- Coordinating with other member organizations to arrange any co-hosting of on-site NUBC meetings
- Performing other administrative functions as deemed necessary to support the activities of the NUBC

## **D. Duties of the Chair**

The AHA through its designee shall Chair the NUBC. The duties of the Chair include:

- Arranging and presiding over the meetings
- Develop agenda for meetings
- Work with the NUBC Secretary in the preparation and distribution of meeting notices, agenda material, and minutes

- Retain presence on national EDI organizations, committees, government advisory committees or other work groups, to assure the integrity, security, and uniformity of use of the NUBC's UB data set
- Work with the NUBC Secretary in the preparation and distribution of meeting notices, agenda material, and minutes
- Provide ongoing communication with other organizations including State Uniform Billing Committees regarding NUBC activities
- Chair carries the financial responsibility of meetings and/or conference calls.
- Chair serves as the focal point of any external communication on behalf of the NUBC

### **E. Duties of the Secretary**

The position of the Secretary will be staffed by AHA as part of general administrative support. The individual who serves as Secretary will be distinct from the person who serves as Chair. Duties of the Secretary include:

- Maintain up-to-date contact information of the NUBC members
- Arrangement and administration of the NUBC meetings
- Maintain and keep current the NUBC website
- Prepare agenda material for the NUBC meetings
- Maintain the official version of the NUBC's UB Data Specifications Manual
- Prepare, distribute, and maintain NUBC meeting materials
- Acting in the absence of the Chair
- Respond to inquiries on matters pertaining to the meetings, agenda, or UB data manual specifications
- Oversee and coordinate subcommittee meetings

## **II. ADMINISTRATION OF NUBC MEETINGS**

### **A. Open Meetings**

The NUBC will convene two open "on-site" meetings annually at a location chosen by the Chair. NUBC members and invited guests attend at their own expense. Meeting notices shall be confirmed and communicated to NUBC members and any interested parties at least one-month prior to the meeting.

At the open meetings, interested parties may observe the proceedings and may participate in the NUBC discussions only when called upon by the Chair. Observers cannot vote on any formal deliberations brought before the NUBC.

It is highly recommended that interested parties communicate their planned attendance to the NUBC Secretary prior to the meeting. Should the attendance exceed the capacity of the room, the Chair can recommend that doors be closed to permit only the appropriate number of observers that the room can safely



accommodate. Preference will be given to those who notified the Secretary ahead of the scheduled meeting.

Members and interested parties may request additional agenda items for discussion by the NUBC, subject to the approval of the Chair. Again, agenda items for consideration should be sent to the Secretary prior to the meeting. Last minute items can be considered if time permits, at the Chair's discretion.

In the event of emergency or other unforeseen circumstances rendering an in-person meeting impractical, an open meeting can be held via conference call or video meeting platform at the Chair's discretion. In such circumstances, the Chair shall notify meeting members at least one month in advance, if possible.

## **B. Conference Call Meetings**

In the months where there is no in-person meeting, a conference call may be held to discuss NUBC issues. A prospective conference call schedule is established ahead of actual business, as issues warrant NUBC review. The Secretary will communicate a list of agenda items approved by the Chair for member review prior to the scheduled meeting. Only NUBC member representatives may participate, unless the Chair invites other guests to participate in the agenda discussion. Only NUBC member representatives can vote on the action brought before the NUBC. Minutes will be taken by the NUBC Secretary and distributed to all NUBC members after the conference call. Once reviewed and approved, they are posted on the NUBC website.

## **C. Special Meetings**

The Chair may call for a special meeting not previously scheduled to discuss NUBC matters that warrant immediate attention by the members of the NUBC. Special meetings could be held via conference call, in-person, or by electronic mail at the Chair's discretion. All member representatives will be notified of a special meeting and the business that will be considered. Like other meetings, agenda material will be prepared ahead of the special meeting by the Secretary and sent to the NUBC members. Only NUBC member representatives can vote on the action brought before the NUBC. Minutes of the special meeting will also be prepared.

## **D. Executive Sessions and Limited Executive Sessions (Executive Session)**

Executive sessions may be held during an in-person meeting to discuss NUBC's Protocol, membership, policies, or other matters determined by the Chair or approved by the NUBC. Other invited guests may participate at the discretion of the Chair.

The Secretary will maintain a record of the discussion from the executive session and the NUBC will determine the public statement that will accompany the minutes from the executive session.

## **E. Quorum**

A quorum is constituted when a simple majority of the voting members in attendance is established. Once the quorum is established, action may be taken by the NUBC. Should a quorum not last for the duration of the meeting, it is up to the Chair's discretion on whether further action will be allowed, or whether to defer the matter for another meeting or whether the matter will require electronic ballot from the members.

## **F. Minutes**

All meetings discussions will be documented by the Secretary, and presented as Meeting Minutes. The minutes will be distributed to the NUBC members at the next meeting and a formal vote on acceptance of the meeting minutes will be taken and, if approved, accepted as the official meeting record.

## **G. Voting**

Each NUBC member listed in this protocol shall have one (1) vote. All voting will be done by member representatives eligible to vote and will be tabulated by the Secretary. It is expected that each voting member will represent the perspective of their sponsoring organization.

### **1. Proxies**

Each organization shall appoint a primary representative to serve on the NUBC. The Chair and Secretary shall maintain a list of current member representatives. In the case where an appointed primary representative cannot attend an onsite NUBC meeting or attend that meeting via teleconference, the designated alternate representative may participate and cast a vote in lieu of the primary. Alternates may also participate on NUBC conference calls or meetings, but if the primary representative is also present then the alternate may not cast a vote. There are no other proxies.

### **2. Action Approval**

Actions on items requiring a vote two-thirds of the members' representatives present and eligible to vote include

- NUBC Membership
- Changes to the NUBC Protocol
- Removal of a member representative and/or member organization

Actions on all other items require a simple majority of those eligible voting member representatives present. Some of the items include, but are not limited to:

- Approval of Minutes
- Changes to the UB-04 Data Specifications Manual
- Changes to the UB-04 Paper Form
- Responses to DSMO Change Requests
- Letters on NUBC position or recommendation comments
- Formation of subcommittees

### **3. Voting**

The voting consists of one vote assigned to a listed organization and cast by the primary representative, or in the absence of the primary, the alternate representative. All voting will be done by members in attendance and will be tabulated by the Secretary. If a member organization or his /her sponsoring organization has a conflict of interest, the member representative may participate in the NUBC's discussions on the matter, but shall not participate in the vote on the matter.

### **H. Meeting Material**

All material to be discussed at the meeting should be submitted to the Secretary at least six weeks prior to the meeting date. To ensure adequate consideration of the issues, agenda items with supporting material will be provided to all NUBC members, and posted on the NUBC website prior to the actual meeting. Other items (not included in the agenda) will be considered if time permits.

### **I. Agenda Items**

Items to be considered as requests for change must follow the criteria as discussed in Section III.

### **K. Speaking Privileges**

Observers are welcome to make comments; however, priority is given to those seated at the table. The Chair will open and close all discussions. The committee will discuss and then vote on the request. The Chair will take votes that are documented by the NUBC Secretary. Each issue may be addressed and voted on once during the meeting.

### III. NUBC METHODOLOGY FOR REQUESTS FOR CHANGE

- A. Change requests must be submitted in writing in the format developed by the NUBC and sent to the NUBC Chair or Secretary.
- B. The request for change should include:
  - Field location(s) and/or data element(s) impacted;
  - A clear description of the change being requested;
  - The reason and justification for the change being requested;
  - The implication of the change in terms of cost and/or legislative compliance; and,
  - Information illustrating and supporting the change being requested.
- C. Requests for change must include sufficient documentation to show that the change is necessary because it affects a majority of the providers or payers in various states or regions; and that failure to adopt the change will cause significant delay in claims processing or hardship for the providers or payers.
- D. Comments and supporting documentation for the change being requested will be reviewed at a NUBC meeting (or circulated to NUBC members, as appropriate) for consideration. A response to the requestor of the change will be made within a reasonable amount of time. The request for change will normally be scheduled for NUBC discussion and consideration at the next scheduled NUBC meeting or conference call.
- E. Any changes adopted by the NUBC will be posted to the NUBC website as future revisions to the UB-04 Data Element Specifications Manual.
- F. Request for specific changes may only be submitted monthly to the NUBC Chair unless an emergency situation is justified.
- G. The NUBC Secretary will incorporate approved changes in the next version release of the UB-04 Data Specifications Manual (scheduled annually) and itemize them in the Change Log (Appendix) of that manual.

In the event of a dispute regarding the refusal of the NUBC to make a requested change, the parties involved can follow the procedures for an appeal, as outlined in the Appeals Process Section.

Requests that are not approved by the NUBC will include the reason for disapproval along with any specific recommendations.

## **IV. APPEALS PROCESS**

Submitters shall have the right to appeal substantive or procedural decisions of the NUBC. All requests for an appeal of the NUBC decisions must be made within 3 months of the NUBC decision. Appeal requests must be in writing, via email, fax, or standard mail. The Appeal shall state the nature of the objection(s), including any adverse effects, actions or inactions that are an issue, and the specific remedial action(s) that would satisfy the requestor's concerns. It is incumbent that requestors also provide new information to supplement the previous request as grounds for the NUBC to reconsider its action.

Should a request for reconsideration be presented, the Chair will appoint an Appeals Subcommittee based on the following criteria:

- Members will be representative of the appropriate spectrum of the Committee
- Members will not be direct parties to the issue.
- Members will be unbiased and objective.

The Appeals Subcommittee shall invite the appellants to meet with them in person or by telephone to discuss the rationale for the reconsideration and to provide additional written comments if needed. In addition, the subcommittee shall contact anyone who previously commented on the proposed appeal and elicit further comments.

The subcommittee shall consider all information and comments and vote to recommend whether or not the NUBC shall reconsider its previous recommendation, and, if so, submit the new recommendation and supporting information to the NUBC. The new recommendation will be considered at the next NUBC meeting if it is received at least four weeks prior to the next meeting. The NUBC will then communicate its final decision to all the relevant parties.

## **V. SUBCOMMITTEES**

Subcommittees will be formed at the discretion of the NUBC Chair or with the concurrence of the majority of NUBC member organizations. The subcommittee may include invited guests, NUBC members or staff from the member's organization. The NUBC Chair will appoint the subcommittee leader/chair. The subcommittees will be charged with undertaking specific tasks. Depending on the complexity of the task, the Chair can recommend that a standing subcommittee be created to handle ongoing review work. The subcommittees will report their recommendations to the NUBC. The NUBC will weigh the recommendations from the subcommittee, but the final decisions will be made by the full NUBC.

Any recommendations brought forward by the subcommittee for consideration by the NUBC should include documentation that summarizes their subcommittee discussions and participant support for the actions recommended.

The Chair will provide administrative support for the subcommittee in the form of conference call support.

## **VI. CONFIDENTIALITY AND PROPRIETARY RIGHTS**

All member representatives of the NUBC acknowledge that all notices of copyright, confidentially marked material, or other conditions imposed on distributed materials shall be respected and not removed.

Through the NUBC's work, various items of data content and/or material are developed (e.g., NUBC UB-04 Data Specifications Manual). Each member organization relinquishes any claim to copyright ownership of data content and any material developed by the NUBC. The AHA, on behalf of the NUBC, will hold copyright to all materials developed and maintained by the NUBC.

## **VII. ADOPTION OF PROTOCOL**

This document, as well as modifications to this document, titled National Uniform Billing Committee Protocol shall be official when adopted by a two-thirds majority of the attending member representatives.

## **VIII. NUBC ANTI-TRUST STATEMENT**

The NUBC is committed to full compliance with existing antitrust laws. The NUBC shall comply with all applicable antitrust laws during the course of their meetings. NUBC meetings will not encourage or permit any discussion of prices of products, supplies or services. Additionally, the NUBC will not have any discussion of any elements of company or organizational operations that will specifically influence pricing (e.g., allowances, discounts, and terms of sales, margins, operations costs or marketing strategies).

NUBC members recognize the following as violations of antitrust:

- Any effort undertaken, whether expressed or implied, that restrains trade or acts as a barrier to commerce to any individual or group of individuals shall be avoided.
- As in any meeting where competitors in an industry are present, there shall be no discussion of pricing, whether of individual company prices, industry pricing policies, or plans of any company concerning specific products, customers, or territories. This is to avoid violation of antitrust laws regarding price fixing and market division.
- Members must take special care to avoid making any statements or engaging in conduct prohibited by this policy. Responsibility for

compliance rests with every NUBC member and any invited guests or participants.

- If members have any doubt concerning propriety of any matters under discussion at such meetings, members shall report objection(s) to the NUBC Chair, or Secretary.

The above statements shall be in effect during and concerning all NUBC activities and shall be read or referred to at the beginning of every meeting. NUBC members shall refer to the reporting procedures below to handle a suspected violation.

### **Reporting Procedures**

In order to report suspected violations of the NUBC Anti-Trust Statement, NUBC members shall undertake the following actions:

- If someone is concerned about a particular discussion or activity that is in question, that individual should seek to identify themselves and declare their concerns or objections about a particular discussion or activity that is in question.
- The Chair will immediately request that all discussions cease.
- If a person fails to cease discussion the Chair will ask that person(s) to depart the meeting and departure from the meeting shall be recorded in meeting minutes.