



Steps for Standards Compliance

Listed below are the NCPDP steps should a suspected misapplication of an NCPDP Standard be introduced. Steps one (1) through three (3) must be performed by the submitting party. It is the professional intent that the two parties can solve the problem quickly, between themselves, before NCPDP involvement might need to occur.

If resolution has not been met, a Request to Review form should be completed and forwarded to the Standardization Liaison (see address at end of document). The Request to Review form is available on the NCPDP web site, <http://www.ncpdp.org/Resources/Hipaa-Compliance.aspx>.

Steps:

1. The submitting party should contact the suspected misapplication party and communicate the problem. Contact may be made via telephone call, email, letters, etc. The submitting party should make sufficient attempts to communicate with the right people at the suspected misapplication party. If the suspected misapplication party has NCPDP membership, it is highly recommended that the NCPDP member(s) be included in the notification process. The misapplication should be succinctly identified and its impact on the standard or usage stated.
2. The submitting party should allow sufficient time for the suspected misapplication party to respond. A minimum of thirty (30) days is recommended. The submitter should make all attempts to communicate the problem with appropriate leadership/management at the suspected misapplication party. Should the suspected misapplication party contacted be a Fiscal Intermediary (FI) or Fiscal Agent (FA), the State division should also be contacted. The submitter should make all attempts to receive a response to the problem.
3. Should a response that does not resolve the issue be received OR no response be received within the allotted timeframe, the misapplication may be forwarded to the Standardization Co-Chairs on the Request to Review form. The name, full correct address, email (if available) and phone number of the contacted party must be included on the form. Should the suspected misapplication party contacted be a Fiscal Intermediary (FI) or Fiscal Agent (FA), a State contact should also be included on the form. All relevant documentation related to the party's communiqués should be included. If the form is incomplete, it will be returned to the submitter.
4. The Standardization Co-Chairs will assess the Request to Review within ten (10) days of receipt and determine if a misapplication exists.
5. If the Standardization Co-Chairs' assessment indicates that no violation of the standard in question exists a notification will be sent by the Standardization Co-Chair Staff Liaison to the submitter, within thirty (30) days of receipt.
6. If the Standardization Co-Chairs' assessment indicates that a violation of the standard in question exists, a letter to the misapplication party will be sent by the Standardization Co-Chair Staff Liaison no later than thirty (30) days of receipt with a copy to the submitter. (See #8 for letter content.)
7. If further follow up is required, the Standardization Co-Chairs will assign the Request to Review to a work group(s). The submitter will be notified by the Standardization Co-Chair Staff Liaison as to which work group(s) will be performing further evaluation.

8. If the Request to Review is assigned to a work group(s), the work group co-chairs will recommend potential solutions, if possible, and compose a letter (within thirty (30) days of receipt) to the suspected misapplication party. The letter will include the following.
 - a. Explain the misapplication and include solution(s).
 - b. Encourage participation in NCPDP, particularly attendance at the work group(s) responsible for the standard.
 - c. Recommend review of any and all documents that are available to assist in the implementation of the standard.
 - d. Should the standard be HIPAA named, the letter should include verbiage of the HIPAA requirement.
 - e. The last paragraph of the letter should address copyright infringement and stipulate immediate termination of any usage or reference to the NCPDP standard. For example, 'Unless the misapplication is corrected in the manner set forth herein, further use of the NCPDP Standard and /or any reference to the name NCPDP may subject you to claims of trademark, copyright and common law infringement. Accordingly, until the misapplication is corrected to the satisfaction of NCPDP, you are hereby on notice to cease and desist any use or reference to NCPDP or the NCPDP Standard(s).'
 - f. The date on which the misapplication must be corrected. (To be assigned by the Standardization Co-Chairs.)
9. The work group co-chairs, depending upon the situation, may wish to address the misapplication and recommendations during the work group meetings for consensus of resolution or to obtain other information. If the misapplication is reviewed by the work group members at the next Joint Technical Work Group meeting, a draft letter shall be completed within fourteen (14) days of the last meeting day by the specific Work Group Co-Chairs.
10. The draft letter will be sent by the work group co-chairs to the Standardization Co-Chairs who will consider the magnitude of the infraction and assign a timeframe for remediation.
11. Upon approval by the Standardization Co-Chairs, the Standardization Co-Chair Staff Liaison will send the letter to the suspected misapplication party. The Standardization Co-Chair Staff Liaison will also send a copy to the submitting party.
12. Upon receipt of responses from the misapplication party received by NCPDP, the Standardization Co-Chair Staff Liaison will report these responses to the Standardization Co-Chairs, work group co-chairs (if applicable) and the submitting party.
13. If a work group(s) has participated in the letter, responses from the misapplication party will be reported to the work group participants at the next Joint Technical Work Group meeting.
14. Should no response be given by the misapplication party or no corrective action be made by the date required for correction of the misapplication, based on recommendation from the Standardization Co-Chairs, a final letter will be sent to the misapplication party stating that the submitter will be contacted that if they choose, they can file a complaint with the Office of HIPAA Standards. The submitter will be contacted with this information.

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