

EDITION: November 5, 2019



GOVERNMENT RELATIONS & PUBLIC POLICY

Your weekly dose of health care policy

CONGRESSIONAL

House Passes Health Care Bills

On October 28, the House of Representatives passed five bipartisan public health bills which included health care workforce legislation and bills to allow the Medicare Payment Advisory Commission (MedPAC) and the Medicaid and CHIP Payment and Access Commission (MACPAC) access to drug pricing and rebate data under Medicare Parts B and D as well as transparency for Pharmacy Benefit Managers (PBM).

These include:

- [EMPOWER for Health Act \(H.R. 2781\)](#)
- [Title VII Nursing Workforce Reauthorization Act \(H.R. 728\)](#)
- [Palliative Care and Hospice Education and Training Act \(H.R. 647\)](#)
- [Payment Commission Data Act \(H.R. 1781\)](#)
- [Public Disclosure of Drug Discounts Act \(H.R. 2115\)](#)

These bills now must be taken up by the Senate.

Senate HELP Passes OTC Reform and Public Health Bills

On October 31, the Senate Health, Education, Labor and Pensions (HELP) Committee passed a bipartisan bill to reform the over-the-counter drug market by increasing oversight by the Food and Drug Administration (FDA). The [Over-the-Counter Monograph Safety, Innovation, and Reform Act \(S. 2740\)](#) would authorize a new user fee program at the FDA to hire staff and encourage innovation.

MACRA HIGHLIGHTS

Get up to date with the 2020 changes for the Quality Payment Program (QPP) from CMS' [Fact Sheet](#) and [FAQ](#).

HEALTH CARE ACTIVITIES ON THE HILL

The House is currently in Recess and will return Tuesday, November 12.

MedPAC

November 7-8: [Public Meeting](#)

Weekly Trivia

What were the original House "offices"?

Click [here](#) for the answer!

In addition, the Committee passed the following public health bills:

- [Ticks: Identify, Control, and Knockout \(TICK\) Act \(S. 1657\)](#)
- [Healthy Start Reauthorization Act \(S. 2619\)](#)
- [Title VII Nursing Workforce Reauthorization Act \(S. 1399\)](#)
- [Lifespan Respite Care Reauthorization Act \(S. 995\)](#)
- [Scarlett's Sunshine on Sudden Unexpected Death Act \(S. 1130\)](#)
- [Promoting Physical Activity for Americans Act \(S. 1608\)](#)
- [United States Public Health Service Modernization Act \(S. 2629\)](#)

ADMINISTRATION

CMS Announces AI Health Challenge Stage 1 Winners

On October 31, the Centers for Medicare and Medicaid Services (CMS) [announced](#) the top 25 participants selected to advance to Stage 1 of the CMS Artificial Intelligence (AI) Health Outcomes Challenge. Up to seven of these participants will be chosen to move to the subsequent round and receive award funding and the use of CMS data sets.

ESRD/DME Final Rule Released

On October 31, CMS released the 2020 [final rule](#) for the End-Stage Renal Disease Prospective Payment System (PPS) and Durable Medical Equipment Prosthetics, Orthotics, and Supplies (DMEPOS). The [rule](#) finalized payment updates for 2020, policies on the new transitional drug add-on payment adjustment (TDAPA) and updates to the Quality Incentive Program (QIP).

Home Health Final Rule Released

On October 31, CMS released the CY 2020 Home Health Prospective Payment System [final rule with comment period](#). The [rule](#) updates the payment rates and regulations pertaining to the content of the home health plan of care, allows therapist assistants to furnish maintenance therapy, finalizes policies related to the split percentage payment approach under the Home Health Prospective Payment System (HH PPS), and includes final policies on the home infusion therapy benefit beginning in 2021. CMS will accept comment on the criteria to allow coverage of additional drugs under the DME benefit through December 30, 2019.

PFS Final Rule Released

On November 1, CMS released its CY 2020 Medicare Physician Fee Schedule [final rule](#) including updates to the Quality Payment Program (QPP). The [rule](#) finalizes changes to

payment for Evaluation and Management (E/M) Services, physician supervision requirements for physician assistants (PAs), care management services, and new coverage for opioid use disorder furnished by opioid treatment programs (OTPs).

OPPS Final Rule Released

On November 1, CMS released the CY 2020 Medicare Hospital Outpatient Prospective Payment System and Ambulatory Surgical Center Payment System [final rule](#). The final rule did not finalize the transparency proposal of Disclosure of Payer-Specific Negotiated Rates, but has separated that proposal into a forthcoming rule. The [rule](#) did include a continuation of the existing payment methodology for 340B drugs, ongoing implementation of site neutrality policies, changes to the inpatient only list as well as other payment a quality changes.

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