

EDITION: August 5, 2020



COVID-19 Resources

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Congressional

Congress Continues Negotiating Next COVID Package

Negotiators are struggling to make progress on a next COVID package and it is unclear if Congress will be able to pass anything prior to adjourning for the August in-district work period, which is already delayed. However, talks to reach a deal continue. Thus far, they are miles apart on every single issue (unemployment insurance, state and local funding, health care, elections, liability reform, education, food stamps, taxes, etc.).

House Passes Government Funding Bill

On July 24, the House passed their \$259.5 billion spending bill by a vote of 224-189. This package of appropriation bills will likely not go anywhere in the Senate. Without Congressional action, our government won't be funded past September 30, which is the current deadline for Congress to pass a fiscal year 2021 funding bill or at least a short-term spending bill to keep the federal government open.

QUALITY PAYMENT PROGRAM HIGHLIGHTS

Clinicians significantly impacted by the public health emergency may submit an Extreme & Uncontrollable Circumstances [Application](#) to reweight any or all of the Merit-based Incentive Payment System (MIPS) performance categories. The PY 2020 is currently open and will close December 31, 2020.

UPCOMING HEALTH CARE ACTIVITIES ON THE HILL

Currently, there are no hearings scheduled, as this week was supposed to be the start of the the House August recess, with the Senate joining them next week. However, House Members were told they could return to their districts, but would be given 24 hour notice in order to return to D.C., if a COVID

Administration

CMS Releases PFS Proposed Rule

On August 3, the Centers for Medicare & Medicaid Services (CMS) released the 2021 Physician Fee Schedule [Proposed Rule](#). The [rule](#) provides updates to Medicare Part B payment policies, including making permanent certain flexibilities in telehealth policies, Evaluation and Management coding and payment, service coverage for Opioid Treatment Programs (OTPs), and changes to the Quality Payment Program (QPP). Comments are due October 5.

CMS Releases OPPTS Proposed Rule

On August 4, CMS released the Hospital Outpatient Prospective Payment System (OPPS) [proposed rule](#) providing a 2.6 percent payment increase, as well as [updates](#) including the proposed elimination of the Inpatient Only List and updating 340B payment policy. Comments are due October 5.

CMS Releases IRF, IPF, SNF & Hospice Final Rules

CMS released several final payment policy rules for the 2021 fiscal year beginning October 1.

Inpatient Rehabilitation Facility (IRF)

- [Text](#)
- [Fact Sheet](#)

Inpatient Psychiatric Facilities (IPF)

- [Text](#)
- [Fact Sheet](#)

Skilled Nursing Facilities (SNF)

- [Text](#)
- [Fact Sheet](#)

Hospice

- [Text](#)
- [Fact Sheet](#)

HHS Finalizes Transitional Changes to 42 CFR Part 2 Regulations

On July 15, the Substance Abuse and Mental Health Services Administration (SAMHSA) finalized [revisions](#) to the rules

package deal is agreed upon and a vote is to occur. The Senate is currently still in D.C.

PAYMENT RULE COMMENT DEADLINES

August 31: [Home Health PPS Proposed Rule](#)

September 4: [ESRD PPS Proposed Rule](#)

October 5: [Physician Fee Schedule Proposed Rule](#), [OPPS Proposed Rule](#)

governing the confidentiality of patient records in federally-assisted substance use disorder (SUD) programs, found in 42 C.F.R. Part 2 and known as “Part 2.” The [final rule](#) comes while still awaiting implementation of changes made to Part 2 in the CARES Act (P.L. 116-136), with SAMHSA indicating that the rule is intended to serve as setting interim and transitional standards for Part 2 programs until additional regulations pursuant to the CARES Act may be promulgated.

President Signs Drug Pricing Executive Orders

On July 24, President Trump signed three Executive Orders (EOs) on drug pricing, including one on [drug importation](#), one on [eliminating drug rebates](#), and one on [lowering costs for insulin and injectable Epinephrine](#). Though nonbinding, these EOs refer to some ongoing rule making proposals within the Administration. Additionally, the President referred to his previous efforts related to an International Pricing Index, which has not yet been released as he aims to negotiate with drug companies.

President Signs Telehealth Executive Order

On August 3, President Trump signed the [Executive Order](#) on Improving Rural Health and Telehealth Access. The EO directs agencies to launch a new payment for rural health care transformation, invest in infrastructure, improve rural health through initiatives to reduce maternal mortality and improve mental health and expand telehealth and other flexibilities following the current Public Health Emergency (PHE).

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