

McDermottPlus Check-Up

McDermott+Consulting is pleased to introduce the McDermottPlus Check-Up, your regular update on health care policy from Washington, DC.



This Week's Diagnosis: It's all quiet on the Hill. Members return Monday after the first full week of district work time in the 116th Congress.

CONGRESS

- + **SURPRISE BILLING LEGISLATION.** Representative Lloyd Doggett (D-TX) introduced a bill that would require hospitals to notify patients if the care they are receiving is out of their insurance network. The End Surprise Billing Act of 2019 ([H.R. 817](#)) puts the responsibility on the hospital by requiring that hospitals notify the patient of the out-of-network care and associated costs to the patient. In non-emergency cases, patients must sign a notice of consent within 24 hours, or else the hospital cannot charge more than an in-network fee. Representative Doggett has introduced similar legislation in the past. H.R. 817 only has one Republican co-sponsor so far, but can be expected to be in the mix as lawmakers consider various approaches to curb surprise billing.
- + **SOCIAL MEDIA AND PATIENT DATA.** It seems it was only a matter of time before the spotlight on consumer privacy issues collided with patient privacy concerns. House Energy and Commerce Committee Chairman Frank Pallone (D-NJ) joined Consumer Protection and Commerce Subcommittee Chair Jan Schakowsky (D-IL) in [sending a letter](#) to the CEO of Facebook questioning the access to users' personal health information through "closed" and private groups. One larger policy dilemma is the intersection of consumer and health data and the proper role of government in ensuring protection of this information.
- + **GRASSLEY WANTS CMS TO RECOVER EHR MONEY.** In a [letter](#) to the Centers for Medicare and Medicaid Services (CMS), Senate Finance Chairman Chuck Grassley (R-IA) pressed the agency for an update on their recovery of improper electronic health record (EHR) incentive payments. He requested a response by February 19. This is the second time Senator Grassley has reached out to CMS regarding a [June 2017 finding from the Office of the Inspector General](#), which estimated that CMS inappropriately paid more than \$729 million to health professionals and hospitals that did not meet meaningful use requirements between May 2011 and June 2014. In response to the previous inquiry, CMS Administrator Seema Verma indicated that the agency was conducting audits. In recent comments regarding the latest query, Administrator Verma indicated that CMS is monitoring the situation.
- + **WYDEN AND PALLONE QUESTION MEDICAID WAIVERS.** Chairman Frank Pallone, Jr. (D-NJ) and Ranking Member of the Senate Finance Committee Ron Wyden (D-OR) sent a [letter](#) to the Department of Health and Human Services Secretary Alex Azar regarding the Administration's approach to Section 1115 Medicaid waivers. This is the second letter

from the duo in six months expressing concerns with what they argue is overstepping authority, ignoring congressional intent, and approving policies, such as work requirements, that significantly reduce Medicaid eligibility. These 1115 waivers, which were part of the Affordable Care Act, have emerged as a priority area for the House Democrats as they seek to highlight areas of oversight and shore up support for health insurance expansion.

ADMINISTRATION

- + **CMMI MODEL FOCUSES ON EMERGENCY TRANSPORT.** CMS announced its latest payment innovation model, “Emergency Triage, Treat and Transport” (ET3), which will incentivize reducing costs for the emergency transport and care of Medicare fee-for-service beneficiaries by allowing ambulance suppliers to be paid by Medicare for transport not only to emergency departments, but also to alternative sites like urgent care centers or primary care providers. ET3 will also pay for care provided onsite or through telehealth by qualified health care professionals. [Read our five key take-aways.](#)

Next Week’s Dose

The Senate Finance Committee will hear from the CEOs of seven major drug companies on Tuesday. Expect a packed room.

For more information, contact [Mara McDermott](#) or [Rachel Stauffer](#).

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