

## HALL RENDER'S THIS WEEK IN WASHINGTON - FEBRUARY 9, 2018

### CONGRESS PASSES MASSIVE BUDGET BILL WITH NUMEROUS HEALTH CARE PROVISIONS

In the early morning of February 9, Congress passed a two-year budget deal containing substantial implications for health care. The Bipartisan Budget Act of 2018 sets new limits on how much the federal government can spend in the next two years. The budget deal keeps the government operating until March 23, at which point Congress must pass an omnibus appropriations bill to detail spending levels for each government program for the rest of the fiscal year.

The measure sets up a two-year, \$300 billion increase in spending on military and domestic programs. It includes a four-year extension of funding for the Children's Health Insurance Program, which comes on top of the six-year extension that Congress approved last month, and provides \$7.8 billion in funding for community health centers over the next two years. The bill also provides \$6 billion to combat the opioid crisis and improve mental health care.

Additionally, the legislation delays the reductions in Medicaid Disproportionate Share Hospital payments for two years and fully repeals the Independent Payment Advisory Board. The measure contains significant changes to telehealth reimbursement by allowing those services to be provided as a basic benefit for Medicare Advantage enrollees, expanding the ability of accountable care organizations to use telehealth and increasing the use of telehealth for individuals with stroke symptoms.

Other health care policy provisions in the measure include the following.

- Permanent repeal of the Medicare payment cap for therapy services
- Two-year extension of Work Geographic Practice Cost Index floor
- Five-year extensions of home health rural add-on payments, ground ambulance add-on payments, the Medicare-dependent hospital program and low-volume hospital adjustment
- Payment reductions for physicians providing Medicare services, home health services, skilled nursing facilities and the Medicare and Medicaid Improvement Funds, which are reduced to zero
- Increased civil and criminal penalties, both monetarily and via longer sentences, for federal health care fraud and abuse

### HALL RENDER STARK LAW REVISIONS INCLUDED IN BUDGET BILL

The Bipartisan Budget Act of 2018 also includes statutory changes to the Stark Law drafted by Hall Render, and pushed by the Hall Render-led Stark Law Correction Coalition, that codify the regulatory changes CMS made in the CY 16 Physician Fee Schedule final rule. Those changes allow a collection of documents or contemporaneous documents to meet the law's writing requirement, provide 90 days to meet the signature requirement (up from 30 days) and permit indefinite holdovers for lease arrangements and personal service arrangements that are otherwise compliant. By codifying these provisions in the statute, Congress will provide more clarity and certainty to judges and parties litigating Stark Law actions in federal court.

### HEALTH-RELATED BILLS INTRODUCED THIS WEEK

Rep. Michael Burgess (R-TX) introduced [H.R. 4987](#) to amend Title XVIII of the Social Security Act to provide for technical amendments to the Merit-Based Incentive Payment System under Medicare.

Rep. Cheri Bustos (D-IL) introduced the Rural Health Liaison Act of 2018 ([H.R. 4945](#)) to amend the Department of Agriculture Reorganization Act of 1994 to establish a Rural Health Liaison.

### NEXT WEEK IN WASHINGTON

Congress returns Monday for a full week of legislative work. On Monday, President Trump will release his budget request for FY 19. Since the budget request was written prior to the two-year spending deal passed by Congress, the president's request will include an addendum discussing the newly set budget levels.

On the Hill, the bulk of congressional attention will be budget related. The Senate Budget Committee will hold a **hearing** on the president's budget on Tuesday, and the House Budget Committee will do the same on Wednesday. Also on Wednesday, HHS Secretary Alex Azar will appear before the House Ways and Means Committee to discuss funding for the agencies in his department. On Tuesday, the National Institute for Health Care Management will host a **webinar** on the opioid crisis, focusing specifically on prevention and efforts across the health care system to stop opioid abuse before it starts. The House Energy and Commerce Oversight and Investigations Subcommittee will hold a **hearing** on Wednesday, "Examining the Impact of Health Care Consolidation."

#### THIS WEEK IN WASHINGTON IN HISTORY

**1825: 193 years ago this week**, the presidential election of 1824 is decided in February 1825 when the House of Representatives votes to elect John Quincy Adams as president. Adams would win the House vote over Andrew Jackson. The vote went to the House after neither candidate received a majority of electoral votes in November. Four years later, Jackson would win the rematch in a landslide.

**1917: 101 years ago this week**, Congress overrides President Woodrow Wilson's veto and passes the Immigration Act. The law requires a literacy test for immigrants.

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