



CMS Snapshot

October 31-November 7, 2019

Delivered to you by the Partner Relations Group in the Office of Communications

All releases below are from 2pm Thursday, October 31 through 2pm Thursday, November 7

News Releases

*October 31- [Trump Administration Delivers on Promise to Strengthen Medicare with a New Home Infusion Therapy Benefit and Home Health Regulations that Put Patients Over Paperwork](#). Today, consistent with the direction of President Trump's Executive Order on Protecting and Improving Medicare for Our Nation's Seniors, the Centers for Medicare & Medicaid Services (CMS) finalized significant changes to the Home Health Prospective Payment System (HH PPS), including a new home infusion therapy benefit that builds on the historic steps we have already taken to strengthen and protect the Medicare program by increasing choices and empowering patients.

*October 31- [Secretary Azar Statement on CMS Steps to Advance American Kidney Health](#). On Thursday, the Centers for Medicare & Medicaid Services finalized changes to the Medicare payment rules for Durable Medical Equipment Prosthetics, Orthotics, and Supplies (DMEPOS) program, End-Stage Renal Disease (ESRD) Prospective Payment System (PPS), and the ESRD Quality Incentive Program (QIP), delivering on President Trump's "Advancing American Kidney Health" - PDF initiative. HHS Secretary Alex Azar issued the following statement.

*November 1- [HHS Issues Proposed Rule to Align Grants Regulation with New Legislation, Nondiscrimination Laws, and Supreme Court Decisions](#). Today, the Department of Health and Human Services (HHS) issued a Notice of Nonenforcement to inform the public that certain regulatory provisions in The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for HHS Awards ("HHS grants regulation") will not be enforced because of serious concerns regarding the prior administration's implementation of the Regulatory Flexibility Act, which governs the issuance of certain regulations. HHS is also taking immediate steps to address the issue by publishing a notice of proposed rulemaking to reissue the HHS grants regulation with revisions.

*November 1- [Secretary Azar Statement on FDA Leadership](#). Today, the Department of Health and Human Services is announcing that Dr. Ned Sharpless, who has been serving as Acting

Commissioner of Food and Drugs, will be returning to his role as Director of the National Cancer Institute (NCI).

*November 1- [HHS Secretary Azar Statement on Steps to Fulfill President Trump's Medicare Executive Order](#). Today, as part of delivering on President Trump's Executive Order on Protecting and Improving Medicare for Our Nation's Seniors, the Centers for Medicare & Medicaid Services finalized policy changes under the Medicare Hospital Outpatient Prospective Payment System and Ambulatory Surgical Center Payment System. HHS Secretary Alex Azar issued the following statement:

*November 1- [Trump Administration Strengthens Medicare by Reducing Provider Burden and Valuing Time Spent with Patients](#). Today, the Trump Administration and the Centers for Medicare & Medicaid Services (CMS) finalized major policy changes that implement key provisions of President Trump's Executive Order on Protecting and Improving Medicare for Our Nation's Seniors that will reduce clinical burden, ensure appropriate payment for clinicians, and enable them to provide their patients with high quality care. This final rule builds on the Trump Administration's and CMS's efforts to secure and improve Medicare and establish a patient-driven healthcare system that focuses on improving health outcomes. It is projected to save clinicians 2.3 million hours per year in burden reduction.

*November 1- [Trump Administration takes Steps to Expand Access to Treatment for Opioid Use Disorder](#). Today, as a part of the Trump Administration's continued efforts to combat the opioid epidemic, the Centers for Medicare & Medicaid Services (CMS) is implementing policies to expand access to opioid use disorder (OUD) treatment services furnished by opioid treatment programs (OTPs). Opioid treatment programs treat individuals with OUD using medication and other services. This new Medicare Part B benefit was mandated under the Substance Use-Disorder Prevention that Promotes Opioid Recovery and Treatment (SUPPORT) for Patients and Communities Act that President Trump signed into law on Oct. 24, 2018.

*November 4- [HHS Secretary Azar Statement on Step Forward in President Trump's Kidney Health Initiative](#). This week, the Department of Health and Human Services, the American Society of Nephrology, and the National Kidney Foundation signed a memorandum of understanding to create an education, awareness, and prevention campaign regarding kidney disease, as called for in President Trump's Executive Order on Advancing American Kidney Health. The campaign will aim to improve health and prevent worsening outcomes for the more than 30 million Americans with chronic kidney disease.

*November 5- [Failure to Encrypt Mobile Devices Leads to \\$3 Million HIPAA Settlement](#). The University of Rochester Medical Center (URMC) has agreed to pay \$3 million to the Office for Civil Rights (OCR) at the U.S. Department of Health and Human Services (HHS), and take substantial corrective action to settle potential violations of the Health Insurance Portability and Accountability Act (HIPAA) Privacy and Security Rules. URMC includes healthcare

components such as the School of Medicine and Dentistry and Strong Memorial Hospital. URMHC is one of the largest health systems in New York State with over 26,000 employees.

*November 6- [CMS Announces Approval of Groundbreaking Demonstration to Expand Access to Behavioral Health Treatment](#). Today the Centers for Medicare & Medicaid Services (CMS) announced the approval of a first-of-its-kind Medicaid demonstration project that broadens treatment services available to Medicaid beneficiaries living in the District of Columbia (“the District”) diagnosed with serious mental illness (SMI) and/or serious emotional disturbance (SED). At the same time, CMS is approving the District’s request to begin providing new services for its beneficiaries diagnosed with substance use disorder (SUD).

*November 6- [United States Files Patent Infringement Lawsuit Against Gilead Related to Truvada® and Descovy® for Pre-exposure Prophylaxis of HIV](#). Today, the United States, on behalf of the Department of Health and Human Services, filed a complaint in federal district court against Gilead Sciences, Inc. and Gilead Sciences Ireland UC (collectively, Gilead) seeking damages for Gilead’s infringement of HHS patents related to pre-exposure prophylaxis (or PrEP) for HIV prevention. Despite multiple attempts by HHS to license its patents, Gilead has refused. In the complaint, HHS alleges that Gilead has willfully and deliberately induced infringement of the HHS patents. The complaint further alleges that, as a result of such infringement, Gilead has profited from research funded by hundreds of millions of taxpayer dollars and reaped billions from PrEP through the sale of Truvada® and Descovy®.

*November 7- [CMS Takes Historic Steps to Increase Public Access to Medicaid and CHIP Data](#). Today the Centers for Medicare & Medicaid Services (CMS) released for the first time its research-ready Transformed Medicaid Statistical Information System (T-MSIS) data, a robust and evolving collection of Medicaid and CHIP data files. Today’s historic data release is a milestone in CMS’s continued commitment to promoting transparency and accountability in the Medicaid program. It is also part of our MyHealthEData initiative to unleash data into the public domain to promote data-driven solutions, help ensure sound program performance, support improvement, and identify and prevent fraud, waste and abuse in the Medicaid and CHIP programs.

*November 7- [CMS Issues First Annual Update to the Medicaid and CHIP Program Scorecard](#). Today, the Trump Administration and the Centers for Medicare & Medicaid Services (CMS) are continuing to transform Medicaid with the publication of the first annual update to the Medicaid and Children’s Health Insurance Program (CHIP) Scorecard. The update promotes greater transparency and accountability by including additional data points, measures and enhanced functionality, and ensuring taxpayers’ dollars are being used efficiently on the \$600 billion programs which serve nearly 73 million children and adults.

*November 7- [OCR Imposes a \\$1.6 Million Civil Money Penalty against Texas Health and Human Services Commission for HIPAA Violations](#). The Office for Civil Rights (OCR) at the U.S. Department of Health and Human Services (HHS) has imposed a \$1,600,000 civil money penalty

against the Texas Health and Human Services Commission (TX HHSC), for violations of the Health Insurance Portability and Accountability Act of 1996 (HIPAA) Privacy and Security Rules between 2013 and 2017. TX HHSC is part of the Texas HHS system, which operates state supported living centers; provides mental health and substance use services; regulates child care and nursing facilities; and administers hundreds of programs for people who need assistance, including supplemental nutrition benefits and Medicaid. The Department of Aging and Disability Services (DADS), a state agency that administered long-term care services for people who are aging, and for people with intellectual and physical disabilities, was reorganized into TX HHSC in September 2017.

Fact Sheets

*November 1- [CY 2020 Medicare Hospital Outpatient Prospective Payment System and Ambulatory Surgical Center Payment System Final Rule \(CMS-1717-FC\)](#). The Centers for Medicare & Medicaid Services (CMS) finalized policies that are consistent with the directives in President Trump's Executive Order, entitled "Protecting and Improving Medicare for Our Nation's Seniors," that aims to increase choices, encourage medical innovation, empower patients, and eliminate waste, fraud and abuse to protect seniors and taxpayers.

*November 7- [2019 Medicaid and CHIP \(MAC\) Scorecard](#). In June 2018, the Centers for Medicare & Medicaid Services (CMS) released its first Medicaid and Children's Health Insurance Program (CHIP) Scorecard to increase public transparency and accountability about the programs' administration and outcomes. Using the most recently available data, CMS has now updated the Scorecard by expanding the data in the National Context pages and adding measures to the State Health system Performance and the State and Federal Administrative Accountability pillars.

*November 7- [Medicaid and CHIP T-MSIS Analytic Files Data Release](#). Given the primary role that Medicaid and the Children's Health Insurance Program (CHIP) play in our nation's health care system, the Centers for Medicare & Medicaid (CMS) has made significant investments in these programs' information technology and data analytic infrastructure. These investments are designed to improve access to high-quality, timely Medicaid and CHIP data to ensure robust monitoring and oversight of these vital programs that cover nearly 73 million Americans.

Blogs

*November 1- [Healthcare.Gov Open Enrollment: Lower Premiums, More Choices, Easier to Compare](#). I'm excited to share the steps we've taken to lower premiums, offer more options, and make it easier to compare choices this HealthCare.gov Open Enrollment season. Today marks the beginning of the Open Enrollment period for the 2020 Plan Year on HealthCare.gov.

From now until December 15, consumers can log on to HealthCare.gov and CuidadodeSalud.gov, or call 1-800-318-2596, to enroll in a health plan for coverage in 2020.

*November 1- [The 2020 Health Insurance Marketplace is open for business!](#) Starting today, November 1, you can apply for new 2020 health insurance, or renew, change, or update your 2019 health plan for 2020.

*November 4- [Modernizing CMS to Enhance Access to Innovation](#). The American free market is the world's cradle for medical innovation, giving rise to the latest advances in medicine such as novel platforms for gene editing, cancer immunotherapy, and percutaneous cardiac valve intervention. Unfortunately, outdated government laws may imperil both individual access to new products and innovator capacity for developing new technologies. America's elderly are uniquely vulnerable to these constraints on the market and medicine due to their growing chronic disease burden. As America's largest payer, the Centers for Medicare & Medicaid Services (CMS) is entrusted with securing access to timely and clinically necessary innovations for Medicare beneficiaries. By advancing innovation in health care, we can unlock crucial drivers for long-term cost reductions and quality improvements for our beneficiaries.

Upcoming Items of Interest

*CMS Office of Minority Health

2020 CMS HEALTH EQUITY AWARD – Call for Nominations

CMS is excited to announce the [Call for Nominations for the 2020 CMS Health Equity Award](#).

Equity is a key component of high-quality healthcare. Health equity is defined by Healthy People 2020 as the attainment of the highest level of health for all people. A measure of health equity is the reduction or elimination of disparities in health that adversely affect vulnerable populations. CMS recognizes the importance of health equity and is working to ensure that disparities in health care quality and access are eliminated. You can visit the CMS Office of Minority Health [website](#) to learn more about some of the efforts underway. **Please read the criteria and complete one [Nomination Form](#) per nominee for the CMS Health Equity Award. All Nomination Forms should be submitted to the CMS Office of Minority Health (ATTN: 2020 CMS Health Equity Award, HealthEquityTA@cms.hhs.gov) no later than Friday, November 15th, 2019. Questions about the award can also be submitted to this mailbox.**

For more information please email partnership@cms.hhs.gov