



## CMS Snapshot

**March 28-April 4, 2024**

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

All releases below are from 2pm Thursday, March 28 through 2pm Thursday, April 4, 2024.

### News Releases

\*March 29- [HHS' Office for Civil Rights Settles HIPAA Investigation with Phoenix Healthcare](#). *This settlement marks the 47th enforcement action in the OCR Right of Access Initiative.* Today, the U.S. Department of Health and Human Services (HHS), Office for Civil Rights (OCR), announced a settlement with Phoenix Healthcare, an Oklahoma multi-facility organization in nursing care. The settlement resolves a potential violation under the Health Insurance Portability and Accountability Act (HIPAA) [Right of Access provision](#), requires that individuals or their personal representatives have timely access to their health information.

\*March 29- [Biden-Harris Administration Announces Two Head Start Changes to Serve More Children in Tribal Communities and Children of Agricultural Workers](#). On March 23, 2024, President Biden signed into law provisions giving Head Start programs additional flexibility to serve children in Tribal communities and children of farmworkers. Both of these new provisions ensure Head Start programs can more effectively serve the families for whom they were designed. First, Tribally run Head Start programs will be able to prioritize enrolling children from the Tribe, or who live with Tribal members, regardless of family income. This change will allow Tribal Head Start Programs—which are a precious source of child care and Native language preservation in hundreds of Native communities—to grow to meet the existing demand in their communities without losing federal funding eligibility. In addition, any child who has at least one family member primarily engaged in agricultural employment is now eligible for Migrant and Seasonal Head Start.

\*March 29- [Joint Statement by Secretary Of Health and Human Services Xavier Becerra and Secretary of State Antony J. Blinken](#). Under President Biden's leadership, the United States has coordinated global efforts to end the acute phase of the COVID-19 pandemic and ensure the international community is better prepared to respond to the next pandemic.

\*March 31- [Statements by HHS Secretary Xavier Becerra and HHS Principals ahead of Transgender Day of Visibility](#). *HHS raised the Transgender Pride Flag outside its headquarters today to commemorate Transgender Day of Visibility.* Today, the U.S. Department of Health and

Human Services (HHS) raised the Transgender Pride Flag outside HHS headquarters for the third year in a row. HHS Secretary Xavier Becerra and other leaders from across the Department released the following statements ahead of Transgender Day of Visibility on March 31.

\*April 1- [CMS Finalizes Payment Updates for 2025 Medicare Advantage and Medicare Part D Programs](#). Today, the Centers for Medicare & Medicaid Services (CMS) finalized the Calendar Year (CY) 2025 Rate Announcement for the Medicare Advantage (MA) and Medicare Part D Prescription Drug (Part D) Programs that updates payment policies for these programs and ensures payment accuracy. The Rate Announcement complements policies in the CY 2025 MA and Part D [proposed rule](#) that would strengthen protections for the millions of people who rely on MA and Medicare Part D prescription drug coverage, which will be finalized in the coming days. Under this CY 2025 Rate Announcement, payments from the government to MA plans are expected to increase on average by 3.70 percent, or over \$16 billion, from 2024 to 2025. The federal government is projected to pay between \$500 and \$600 billion in Medicare Advantage payments to private health plans in 2025.

\*April 1- [Letter to the nation's teaching hospitals and medical schools](#).

\*April 1- [HHS Office for Civil Rights Imposes a Civil Monetary Penalty on New Jersey Nursing Facility for Failing to Provide Timely Access to Patient Records](#). *Essex Residential Care, LLC, to pay \$100,000 after failing to comply with HIPAA Right of Access*. Today, the U.S. Department of Health and Human Services (HHS), Office for Civil Rights (OCR), announced a \$100,000 civil monetary penalty against Essex Residential Care, LLC, doing business as Hackensack Meridian Health, West Caldwell Care Center (“Hackensack Meridian Health”), a skilled nursing facility that provides long-term care and rehabilitation services. OCR investigated Hackensack Meridian Health under the Health Insurance Portability and Accountability Act of 1996 (HIPAA) Privacy Rule for failing to provide a patient’s personal representative with timely access to the patient’s medical records.

\*April 1- [Statement by Secretary Xavier Becerra in Honor of National Minority Health Month](#). *HHS highlights some of its actions to date in support of health equity*. Today, U.S. Department of Health and Human Services (HHS) Secretary Xavier Becerra released the following statement in honor of National Minority Health Month, recognized every year in the United States throughout the month of April. HHS also takes this opportunity to [highlight some of its actions](#) to support health equity across the nation.

\*April 2- [HHS Finalizes Policies to Make Marketplace Coverage More Accessible and Expand Essential Health Benefits](#). Today, the Biden-Harris Administration, through the U.S. Department of Health and Human Services (HHS)’s Centers for Medicare & Medicaid Services (CMS), announced policies for the Affordable Care Act Marketplaces that make it easier for low-income people to enroll in coverage, provides states the ability to increase access to routine adult dental services, and sets network adequacy standards for the time and distance people travel for appointments with in-network providers. Finally, the rule will standardize certain operations

across the Marketplaces to increase reliability and consistency for consumers. The 2025 Notice of Benefit and Payment Parameters final rule builds on the Administration's previous work expanding access to quality, affordable health care and raising standards for Marketplace plans nationwide.

\*April 2- [Biden-Harris Administration Furthers Medicare Drug Price Negotiations, Releases New Data on How the President's Historic Law Lowers Health Care Costs for Women](#). *The Inflation Reduction Act's Medicare drug price negotiations and other provisions will lower the cost of prescription drugs for millions of women.* Today, the U.S. Department of Health and Human Services' (HHS) Office of the Assistant Secretary for Planning and Evaluation (ASPE) released new research showing how key Inflation Reduction Act provisions will lower costs for women enrolled in Medicare, including nearly 30 million women enrolled in Part D. Also, today, HHS announced that the Centers for Medicare & Medicaid Services (CMS) responded to counteroffers from all manufacturers participating in Medicare drug price negotiations – which the Inflation Reduction Act made possible – and invited them to participate in further discussions.

\*April 2- [HHS Releases White Paper Focused on Preventing Drug Shortages](#). Today, the U.S. Department of Health and Human Services (HHS) released a white paper highlighting steps HHS has taken to prevent and mitigate drug shortages and proposing additional solutions for policymakers to consider. Drug shortages have occurred in the nation's health care system for several decades, largely due to market failures and misaligned incentives. With today's white paper, HHS offers solutions and stands ready to work with Congress to ensure no patient faces the devastating consequences of drug shortages or goes without needed medicines.

\*April 3- [Readout of HHS Secretary Xavier Becerra's Roundtable on Fortifying Corn Masa Products](#). On Friday, March 29, 2024, U.S. Department of Health and Human Services (HHS) Secretary Xavier Becerra hosted a roundtable with representatives of large manufacturers and distributors of corn masa flour products to discuss strategies to increase the commercial availability of food products that are fortified with folic acid. Food and Drug Administration (FDA) Commissioner Dr. Robert Califf and staff from the Centers for Disease Control and Prevention (CDC) also participated in the meeting.

## Fact Sheets

\*March 28- [FY 25 Skilled Nursing Facility Prospective Payment System Proposed Rule \(CMS 1802-P\)](#). On March 28, 2024, the Centers for Medicare & Medicaid Services (CMS) issued a proposed rule that would update Medicare payment policies and rates for skilled nursing facilities under the Skilled Nursing Facility Prospective Payment System (SNF PPS) for fiscal year (FY) 2025. CMS is publishing this proposed rule consistent with the legal requirements to update Medicare payment policies for SNFs annually. This fact sheet discusses the major provisions of the proposed rule.

\*March 28- [Fiscal Year \(FY\) 2025 Hospice Payment Rate Update Proposed Rule \(CMS-1810-P\)](#).

On March 28, 2024, the Centers for Medicare & Medicaid Services (CMS) issued a proposed rule (CMS-1810-P) that would update Medicare hospice payments and the aggregate cap amount for fiscal year (FY) 2025 in accordance with existing statutory and regulatory requirements. This rule also proposes to adopt the most recent Office of Management and Budget (OMB) statistical area delineations, which would change the hospice wage index, and proposes to clarify current policy related to the hospice “election statement” and the “notice of election” (NOE), as well as adding clarifying language regarding hospice certification. Finally, this rule contains a request for information to solicit comments regarding implementing a separate payment mechanism to account for high-intensity palliative care services.

\*March 28- [Fiscal Year 2025 Medicare Inpatient Psychiatric Facilities Prospective Payment System \(IPF PPS\) and Quality Reporting \(IPFQR\) Updates Proposed Rule \(CMS-1806-P\)](#).

On March 28, 2024, the Centers for Medicare & Medicaid Services (CMS) issued a proposed rule to update Medicare payment policies and rates for the Inpatient Psychiatric Facilities Prospective Payment System (IPF PPS) for fiscal year (FY) 2025. CMS is publishing this proposed rule consistent with the legal requirements to update Medicare payment policies for IPFs on an annual basis.

\*March 29- [Factsheet: Joint Update by the Department of State and the Department of Health and Human Services on Negotiations Toward a Pandemic Accord](#).

*What is the Pandemic Accord?* In December 2021, World Health Organization (WHO) Member States decided at a Special Session of the World Health Assembly to establish an intergovernmental negotiating body (INB), representing all regions of the world, to draft and negotiate a WHO convention, agreement, or other international instrument on pandemic prevention, preparedness, and response. More information about the INB process can be found [here](#)

\*April 1- [2025 Medicare Advantage and Part D Rate Announcement](#). Today, the Centers for Medicare & Medicaid Services (CMS) released the Announcement of Calendar Year (CY) 2025 Medicare Advantage (MA) Capitation Rates and Part C and Part D Payment Policies (the Rate Announcement). CMS’s goals for MA and Part D mirror our vision for the agency’s programs as a whole: to advance health equity; drive comprehensive, person-centered care; and promote affordability and the sustainability of the Medicare program.

\*April 1- [Final CY 2025 Part D Redesign Program Instructions Fact Sheet](#). Today, the Centers for Medicare & Medicaid Services (CMS) released the Final Calendar Year (CY) 2025 Part D Redesign Program Instructions (the Final Program Instructions) concurrently with the CY 2025 Medicare Advantage (MA) Capitation Rates and Part C and Part D Payment Policies (the Rate Announcement). The purpose of the Final Program Instructions is to provide interested parties with guidance for CY 2025 regarding, among other topics, the implementation of section 11201 of the Inflation Reduction Act of 2022 (IRA) (P.L. 117-169), signed into law on August 16, 2022, which made several amendments and additions to the Social Security Act (“the Act”) that affect the structure of the defined standard Part D drug benefit.

\*April 1- [OCR Health Equity Factsheet \(Spanish version\)](#). The U.S. Department of Health and Human Services (HHS) Office for Civil Rights (OCR) implements statutes that are critical to health equity, including federal civil rights laws, conscience and religious freedom laws, the Health Insurance Portability and Accountability Act (HIPAA) Privacy, Security, and Breach Notification Rules, and the Patient Safety Act and Rule, which together protect fundamental rights of non-discrimination, conscience, religious freedom, and health information privacy. OCR's Strategic Plan provides a framework for how compliance work, partnerships, and operations can implement the Biden-Harris Administration's commitment to advancing health equity, as described in President Biden's Executive Orders [14076](#), [13985](#), [14091](#) and [14110](#).

\*April 2- [HHS Notice of Benefit and Payment Parameters for 2025 Final Rule](#). In the U.S. Department of Health and Human Services (HHS) Notice of Benefit and Payment Parameters (Payment Notice) for 2025 final rule released today, the Centers for Medicare & Medicaid Services (CMS) finalized standards for issuers and Marketplaces, as well as requirements for agents, brokers, web-brokers, direct enrollment entities, and assisters that help Marketplace consumers. This final rule also includes several policies impacting the Medicaid program, Children's Health Insurance Program (CHIP), and the Basic Health Program (BHP). These changes further the Biden-Harris Administration's goals of advancing health equity by addressing the health disparities that underlie our health system.

## Blogs

\*March 29- [OCR Celebrates Women's History Month](#). By: [Melanie Fontes Rainer](#), Director for Office for Civil Rights (OCR). Summary: *OCR commemorates the many contributions and achievements that millions of women have provided to our Country. As we close Women's History Month, we celebrate the many powerful women who have contributed to our Country, despite the barriers that may exist and the ones they had to overcome. This month has been especially meaningful as I've had strong women around me my whole life. I was raised by a single mother and looked up to my older sister as she trailblazed in her legal career in public interest. I am deeply grateful to the many female role models who opened a path for me and many others. As Vice President Kamala Harris says, "First but not the last" and I hope to do the same for the many women who will come after me.*

\*April 3- [OCIO Embracing Diversity: A Celebration of Cultures through Food](#). By: [Nathesia Moriah](#), Project Manager, Office of the Chief Information Officer, Office of Operations. Summary: *OCIO hosts a special event centered around diversity, equity, inclusion, and accessibility (DEIA) where colleagues from various ethnic backgrounds came together to share a piece of their culture through food. At the Office of the Chief Information Officer (OCIO), diversity isn't just a buzzword, it's the vibrant tapestry that enriches our everyday work environment. On March 27, 2024, Executive Director, Avery Q. Muse, Sr. and OCIO's Office of Operations (Ops) organized a special event centered around diversity, equity, inclusion, and*

accessibility (DEIA) where colleagues from various ethnic backgrounds came together to share a piece of their culture through food. What ensued was not just a culinary extravaganza but a celebration of unity and understanding.