



Legislative and Regulatory Update

April 2014

Exempting Transplant Patients from Readmission Penalties

ASTS recently [lent its support](#) to bipartisan, common-sense legislation ([H.R. 4188](#)) to improve the Medicare Hospital Readmission Reduction Program (MHRRP) by exempting from readmission penalties certain fragile patient populations, including patients receiving transplants and those with end-stage renal disease.

Please discuss this legislation with your administrators and suggest that they prepare a letter from your institution's CEO to your Representative and Senators supporting this legislation. Critical to advocacy is explaining to our elected officials that readmissions for transplant patients do not indicate a lack of quality care or therefore a reason to financially penalize the institution.

Also, please consider contacting your Member of the U.S. House of Representatives to ask them to co-sponsor H.R. 4188, "Establishing Beneficiary Equity in the Hospital Readmission Program Act." Also, please encourage your Senators to review H.R. 4188 and consider introducing a companion bill in the Senate. To find contact information for your federal elected officials, call the Capitol Switchboard at 202-224-3121 or visit <http://house.gov> or <http://senate.gov>.

ASTS Comments on Another State Waiting Period

ASTS sent a letter to the Washington State Insurance Commissioner on April 21 regarding the state's rules on Essential Health Benefits allowing a waiting period of up to 90 days for transplants. ASTS supported the state's review of this rule and laid out reasons why the waiting period is at odds with the requirements of the Affordable Care Act. To view the letter, [click here](#).

Sebelius Resigns as HHS Secretary

Kathleen Sebelius has resigned as Secretary of the Department of Health and Human Services, and President Obama has nominated Sylvia Mathews Burwell for the post. Ms. Burwell is currently the director of the Office of Management and Budget (OMB) and is known on Capitol Hill for her financial and management skills, though she lacks a health care policy background. She will face what are expected to be tough confirmation hearings in Congress, given the political focus on HHS because of the ACA and HealthCare.gov rollout.

CMS Release of Medicare Physician Data

In efforts to foster transparency in the Medicare system, nine million records pertaining to Medicare physician billing were released to the public for review this month. Revealing what Medicare paid physicians in 2012, the Centers for Medicare & Medicaid Services (CMS) also provided the data as a response to a series of inquiries from the *Wall Street Journal* and consumer groups over several years to make the data public.

Since the data's release, reporters have been publishing stories about those physicians receiving large shares of Medicare dollars. The data is complex and not entirely in context. The data only includes Medicare fee for service payments and not Medicare Advantage, Medicaid, or other commercial insurers and it provides a very limited picture of a physician's overall practice. Many in the provider community expressed concern about the value of this data and how it might be misinterpreted. The data may overstate the number of services performed and Medicare revenue received by an individual physician when, for example, a surgeon uses an assistant and the services of the assistant are attributed to the surgeon. In addition, teaching physicians may bill for certain services provided by residents under the Medicare teaching physician rules which could also overstate the number of procedures performed.

ASTS will continue to monitor this initiative and will inform membership if transplant-specific implications are identified. The database can be accessed [here](#), although the data is difficult to navigate and ASTS is not recommending that members necessarily search this file.

Missed an Issue?

All issues of the ASTS Legislative and Regulatory Update are now archived at <http://asts.org/advocacy/legislative-issues/legislative-and-regulatory-update>.