



Legislative and Regulatory Update

January 2014

Special Guest Speakers at the ASTS Legislative Update and Advocacy Symposium

The Legislative Update and Advocacy Symposium on January 24 in Miami will feature two special guest speakers: David Hoyt, MD, Executive Director, American College of Surgeons (ACS), and Rep. Michael Burgess, MD (R-TX), Vice Chair, Subcommittee on Health, House Energy and Commerce Committee; and Co-Chair, Congressional Health Caucus. ASTS is pleased to welcome these distinguished guests, and we hope you'll join us to hear what they have to say!

If you have not registered for this session, [you can do so online](#), either separately or along with your Winter Symposium registration. If you have questions, please email ASTS@ASTS.org or call 703-414-7870.

Oregon Reverses 24-Month Waiting Period for Transplants

Based on extensive comments from ASTS and other stakeholders, Oregon's Insurance Division has reversed the requirement in the state's exchange that required a two year waiting period for transplantation. [You can read the ASTS comments here](#). The 24-month transplant period was part of the much larger Affordable Care Act (ACA) implementation and rule-making process for the new state exchange. ASTS is pleased that the state heard the concerns from stakeholders and the public and released a final rule that eliminated the 24-month waiting period. ASTS will continue to watch for, and respond to these state-based issues that are detrimental to our patients. If you know of something happening in your state, contact us as ASTS@ASTS.org.

Six Classes of Drugs

In the first year of the Medicare prescription drug benefit, CMS

implemented a policy that required all Part D plans to include on their formularies “all or substantially all” Part D drugs within six drug classes—antineoplastics, anticonvulsants, antiretrovirals, antipsychotics, antidepressants, and immunosuppressants. The Affordable Care Act later codified this policy and allowed CMS to specify criteria for identifying protected classes through notice and comment rulemaking. Recently, CMS released a proposal to change the categories or classes of Part D drugs using criteria established through comment rulemaking. Under the proposed criteria, CMS would require formulary inclusion of all drugs within the antineoplastic, anticonvulsant, and antiretroviral drug classes (subject to proposed exceptions), but **would no longer require all drugs from the antidepressant and immunosuppressant drug classes to be on all Part D formularies**. In its review of the criterion for inclusion, ASTS, alongside other stakeholders, believes immunosuppressants qualify for protected status class and will submit comments prior to the deadline of March 7, 2014, and make them available online at ASTS.org.

Missed an Issue?

All issues of the ASTS Legislative and Regulatory Update are now [archived on ASTS.org](http://ASTS.org).