



Legislative and Regulatory Update

May 2014

Proposed Changes to “Mitigating Circumstances” Criteria and Processes

On April 30, 2014, CMS made available the [Inpatient Prospective Payment System \(IPPS\) Proposed Rule](#) for FY2015 with a comment period through **June 30, 2014**. ASTS has appointed a task force to analyze the proposed rule and develop an ASTS response, but transplant centers are encouraged to comment as well, especially if they have had experience with the mitigating circumstances process.

The ASTS task force is made up of Drs. David Reich, William Chapman, James Pomposelli, and Sander Florman. They will work with Diane Millman at Powers Pyles Sutter and Verville, PC, ASTS’ legislative and regulatory counsel.

The proposed rule includes expanding the factors that CMS may consider as mitigating, as well as specific requirements for mitigating circumstances requests and deadlines by which they must be submitted. There are also new Systems Improvement Agreement (SIA) requirements.

HHS Secretary Nomination Moves to Full Senate

Sylvia Mathews Burwell, the President’s nominee for Secretary of Health and Human Services, has completed two Senate hearings. The first was before the Health, Education, Labor and Pensions Committee, and the second was before the Finance Committee.

Burwell's nomination has gained some bipartisan support; Senators John McCain (R-AZ) and Tom Coburn (R-OK) testified on her behalf at the Finance Committee hearing on May 12. The hearing included tough questions about the ACA implementation from both sides of the aisle, especially about help for struggling state exchanges before the next sign-up period begins in November.

The Finance Committee approved Burwell's nomination on Wednesday, May 21. It now moves to the Senate floor, barring any serious objections from individual Senators that cannot be resolved.

HRSA Creates New Bureau of Health Workforce

HRSA expects to publish a Federal Register Notice officially announcing the creation of a new Bureau of Health Workforce. This new bureau will integrate the programs previously housed in the Bureau of Health Professions and the Bureau of Clinician Recruitment and Service and will be led by Becky Spitzgo. The new Bureau of Health Workforce is designed to help HRSA better achieve its mission of improving health and achieving health equity through access to quality services, a skilled health workforce, and innovative programs. These HRSA Bureaus and Congress are advised by several advisory commissions, including the Council on Graduate Medical Education (COGME), which provides Congress with an ongoing assessment of physician workforce shortages or excesses in medical and surgical specialties and subspecialties, training issues and financing policies, and appropriate federal and private sector efforts to address identified needs such as graduate medical education provided by hospitals, schools of medicine, and accrediting bodies.

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