



Legislative and Regulatory Update

Tavenner Approved as CMS Administrator

The Senate approved the nomination of Marilyn Tavenner as Centers for Medicare and Medicaid Services (CMS) administrator by a vote of 91 to 7 on May 15. The nomination makes Tavenner the first confirmed administrator of the agency in 7 years. Tavenner served as acting administrator since 2011. The nomination was briefly delayed due to a hold placed by Senator Tom Harkin (D-IA), chairman of the Health Education Labor and Pensions (HELP) Committee. Harkin objected to the Obama administration's use of the health care law's prevention and public health fund for purposes beyond prevention and public health. In a statement he gave on the Senate floor earlier this month, Harkin said that he placed the hold on Tavenner's nomination in order to bring attention to the prevention fund that he championed to be included in the Affordable Care Act.

Lung Allocation Policy Changes

Recently, HHS Secretary Kathleen Sibelius directed OPTN to conduct a review of its lung allocation policy. The executive committee of the Organ Procurement and Transplantation Network (OPTN) and the United Network for Organ Sharing (UNOS) approved a temporary policy change on June 10 that took effect immediately and is set to expire on July 1, 2014, pending additional study and recommendations from OPTN/UNOS committees regarding the measures and outcomes of pediatric lung allocation policy.

The policy allows a lung transplant program to submit a request to a national lung review board for a candidate age 11 or younger to have an additional listing, at the same hospital, indicating that he or she should

be considered for offers from adult and adolescent donors based on the existing Lung Allocation Score for adolescent and adult candidates. The pediatric candidate would also retain his or her priority for pediatric donors, which includes immediate access to matching donors within a 1000-mile radius of the donor hospital.

OPTN stated that "the number of patients potentially affected by this policy is very small and unlikely to have a significant impact on the larger pool of transplant candidates."

You can read ASTS' position statement on the issue at <http://www.asts.org/advocacy/position-statements>.

House Committee Releases Draft Legislative Language for SGR Repeal

House Energy and Commerce (E&C) Committee Republicans released [draft legislative language](#) to repeal the Sustainable Growth Rate (SGR) payment system at a meeting with provider stakeholders May 28. The bill language released only by the committee majority follows two draft collaborative SGR proposals released by the Chairs of the House Committee on Ways and Means and Energy and Commerce Committee over the past four months. The E&C Committee held a hearing on June 5 to solicit additional feedback from providers and other interested parties. The Committee on Ways and Means last held a hearing on reforming the SGR system on May 7.

CMS Innovation Center Director Stepping Down

Richard Gilfillan, Director of the CMS Innovation Center, announced on Friday, May 31, that he would be leaving his position at the end of June. Patrick Conway, the Chief Medical Officer for CMS, will temporarily fill the vacancy. The CMS Innovation Center was created by the ACA and focuses on key health reform initiatives designed to test new care models, including accountable care organizations, bundled payments for episodes of care and health innovation awards. Gilfillan has served as the Director since July 2010.