Welcome to Federal Health Update. This newsletter is a compilation of the latest news in the federal health care sector.

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**EXECUTIVE AND CONGRESSIONAL NEWS**

- On June 20, 2018, the House passed H.R. 6082, the *Overdose Prevention and Patient Safety Act*. This legislation amends the Public Health Service Act to align federal privacy standards for substance use disorder (SUD) patient records more closely with standards under the Health Insurance Portability and Accountability Act (HIPAA).

**MILITARY HEALTH CARE NEWS**

- On June 22, 2018, Army Chief of Staff Gen. Mark A. Milley announced the following officer assignments:
  - Col. (Promotable) Shan K. Bagby to deputy chief of staff for support, U.S. Army Medical Command; and chief of the Dental Corps, Falls Church, Virginia. He most recently served as deputy chief of staff, U.S. Army Medical Command, Falls Church, Virginia.
  - Col. (Promotable) Wendy L. Harter to command surgeon, U.S. Army Forces Command, Fort Bragg, North Carolina. She most recently served as commander, 65th Medical Brigade, Eighth Army, Republic of Korea.
The Military Officers Association of America is conducting an online survey to better understand the impact of the changes to the TRICARE benefit that have occurred since January 1.

The 24-question survey is anonymous and takes about 15 minutes to complete.

The TRICARE program has undergone some major changes as of Jan. 1, with fundamental changes to the benefit and unexpected increases in costs for some patients. MOAA will use the information compiled from their survey about beneficiaries’ experiences in its work to advocate for those in the military community, including retirees.

MOAA conducted a similar survey just before the changes took effect.

On Jan. 1, under Tricare reform, the previous TRICARE Standard and TRICARE Extra combined into TRICARE Select. For various reasons, co-pays have increased for many Tricare patients.

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VETERANS AFFAIRS NEWS

The Department of Veterans Affairs (VA) announced specific recommendations in the President’s “Delivering Government Solutions in the 21st Century” - Reform Plan and Reorganization Recommendations.”

The plan is the result of President Trump’s Executive Order 13781 – “Executive Order on a Comprehensive Plan for Reorganizing the Executive Branch,” signed March 13, 2017. Specific mentions of VA are on page 57 and 125 on the document above.

The Executive Order directed all federal agencies to submit a plan to improve efficiency, effectiveness and accountability of the executive branch of government.

The proposed recommendations seek to modernize VA by reducing bureaucracy, increasing accountability and improving delivery of services to America’s Veterans and their loved ones.

The plan outlines five modernization initiatives currently underway that will enable VA to deliver benefits and services to America’s veterans more effectively. These initiatives include: Electronic Health Record, Community Care, Appeals Modernization, Financial Management Business Transformation and Legacy IT System Modernization.

Additionally, the plan calls for the transfer of 11 military and veterans cemeteries from the Department of the Army to VA’s National Cemetery Administration. The transfer would increase efficiency, limit mission overlap and ensure that these cemeteries are maintained to national shrine standards. VA and the Department of Defense are working together to develop plans for the transfer, continuous care and operation of these 11 sites.

Finally, the plan will consolidate small business certification with the Small Business Administration which will improve access to capital and Federal contracts for small business owners. This is on page 93 in the report.

The U.S. Department of Veterans Affairs (VA) released findings from its most recent analysis of veteran suicide data for all 50 states and the District of Columbia.

The study found the average number of veterans who died by suicide each day remained unchanged at 20. The suicide rate increased faster among veterans who had not recently used Veterans Health Administration health care than among those who had.

The analysis is part of VA’s ongoing examination of more than 55 million civilian and veteran death records that is being used to evaluate and improve VA’s Suicide Prevention Program. Data
from this report were obtained from the Centers for Disease Control and Prevention (CDC)’s National Death Index and then linked to both VA and Department of Defense (DoD) data.

The report includes suicide rates from 2005 to 2015 for both veteran and non-veteran populations segmented by age, race and gender, and analyzes veteran rates based on service branch and era, suicide method and suicide risk factors. These data inform the ongoing work of VA and its partners to prevent suicide and expand the network of support for Veterans.

Data form an integral part of VA’s public health strategy and enable VA to tailor research-backed suicide-prevention initiatives to reach diverse groups across the Veteran population.


**GENERAL HEALTH CARE NEWS**

- **The U.S. Department of Labor (DOL) announced reforms to the Association Health Plan (AHP) reform to address many of the inequities between small and large businesses in access to health care coverage.**

  According to the DOL, many small business owners cannot afford to offer health insurance to their employees. The percentage of small businesses offering health care coverage has been dropping substantially. The proposed reforms will allow small employers a greater ability to join together and gain many of the regulatory advantages enjoyed by large employers.

  Under the Department's new rule, AHPs can serve employers in a city, county, state or a multi-state metropolitan area, or a particular industry nationwide. Sole proprietors, and their families can join these plans. In addition to providing more choice, the new rule makes insurance more affordable for small businesses. Just like plans for large employers, these plans will be customizable to tailor benefit design to small businesses' needs. These plans will also be able to reduce administrative costs and strengthen negotiating power with providers from larger risk pools and greater economies of scale.

  The rule includes several safeguards. According to the DOL, consumer protections and health care anti-discrimination protections that apply to large businesses will also apply to AHPs organized under this rule. As it has for large company plans since 1974, the Department's Employee Benefits Security Administration will monitor these new plans to ensure compliance with the law and protect consumers. Additionally, states will continue to share enforcement authority with the federal government.

  The new rule does not affect previously existing AHPs, which were allowed under prior guidance. Such plans can continue to operate as before, or elect to follow the new requirements if they want to expand within a geographic area, regardless of industry, or to cover the self-employed. New plans can also form and elect to follow either the old guidance or the new rules.

  Information about the rule and other resources are available on the Department's website.

- **The Centers for Medicare & Medicaid Services (CMS) announced the agency’s first Data Element Library (DEL), a new CMS database that supports the exchange of electronic health information.**

  Using this free, centralized resource, the public for the first time can view the specific types of data that CMS requires post-acute care facilities (such as nursing homes and rehabilitation hospitals) to collect as part of the health assessment of their patients. These assessments include questions and response options (data elements) about patients, including demographics, medical problems and other types of health evaluations.
Many of these data elements have been standardized, which means that they are exactly the same no matter which type of post-acute care facility is using them. Healthcare facilities integrate all of this patient information into their medical record systems, and this information is used for multiple purposes, such as payment by CMS, quality measurement and quality improvement. It is important to note that the DEL doesn’t contain any patient-identifiable data whatsoever.

The DEL also includes the health information technology (health IT) standards that support the collection of health information, which are the nationally agreed upon methods for connecting electronic health systems together. Because the DEL now puts these standards and data elements all in one place in a “one-stop shop,” it will be much easier for health IT vendors to incorporate them into electronic health records (EHRs) that are used by post-acute care providers.

The DEL furthers CMS’ goal of data standardization and interoperability, which is also a goal of the Improving Medicare Post-Acute Care Transformation (IMPACT) Act of 2014. The DEL will:

○ Serve as a resource for CMS assessment data elements;
○ Promote sharing of CMS assessment data sets and health IT standards; and
○ Influence and support industry efforts to promote electronic health records (EHRs) and interoperability.

To view the CMS Data Element Library, please visit: https://del.cms.gov/


For questions about the CMS Data Element Library, please contact DELHELP@cms.hhs.gov

REPORTS/POLICIES

- The GAO published “Veterans Health Administration (VHA): Steps Taken to Improve Physician Staffing, Recruitment, and Retention, but Challenges Remain,” (GAO-18-623T) on June 21, 2018. This report examines VHA information on how many mission critical physicians provided care at VAMCs; VHA guidance for determining its physician staffing needs; and the strategies VHA used to support the recruitment and retention of physicians at VAMCs, and the extent to which it has evaluated these strategies to determine their effectiveness. https://www.gao.gov/assets/700/692661.pdf

HILL HEARINGS

- The Senate Appropriations Subcommittee on Department of Defense will hold a hearing on June 26, 2018, to markup an original bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2019.

- The House Veterans Affairs Committee will hold a hearing on June 26, 2018, to examine VA electronic health record modernization.

- The Senate Committee on Health, Education, Labor and Pensions will hold a hearing on June 27, 2018, to examine how to reduce health care costs, focusing on understanding the cost of health care in America.

- The Senate Veterans Affairs Committee will hold a hearing on June 27, 2018, to examine the
nomination of Robert L. Wilkie to be Secretary of Veterans Affairs.

### LEGISLATION

- **S.3095** (introduced June 20, 2018): A bill to amend the Public Health Service Act to help build a stronger health care workforce was referred to the Committee on Health, Education, Labor, and Pensions. Sponsor: Senator Jack Reed [D-RI]

- **H.R.6143** (introduced June 19, 2018): A bill to ensure that health insurance issuers and group health plans do not prohibit pharmacy providers from providing certain information to enrollees was referred to the House Committee on Energy and Commerce. Sponsor: Representative Lloyd Doggett [D-TX-35]

- **H.R.6128** (introduced June 15, 2018): A bill to amend the Internal Revenue Code of 1986 to allow certain kinds of insurance and health care for individuals allowed a deduction for contributions to a health savings account was referred to the House Committee on Ways and Means. Sponsor: Representative Mike Kelly [R-PA-3]

- **H.R.6123** (introduced June 19, 2018): A bill to amend the Immigration and Nationality Act to provide that an alien physician who is coming to the United States to practice medicine in an area designated by the HHS as having a shortage of health care professionals is not required to pass the National Board of Medical Examiners Examination was referred to the House Committee on the Judiciary. Sponsor: Representative F. James Sensenbrenner, Jr. [R-WI-5]

- **H.R.6117** (introduced June 15, 2018): A bill to provide for the establishment of Medicare part E public health plans was referred to Committees on Energy and Commerce, Ways and Means, and Education and the Workforce. Sponsor: Representative Cedric L. Richmond [D-LA-2]

- **H.R.6144** (introduced June 19, 2018): A bill to amend title XVIII of the Social Security Act to prohibit health plans and pharmacy benefit managers from restricting pharmacies from informing individuals regarding the prices for certain drugs and biologicals was referred to the Committees Energy and Commerce, and Ways and Means. Sponsor: Representative Lloyd. Doggett [D-TX-35]

### MEETINGS


- The 2018 AMSUS Annual Continuing Education Meeting will be held on **Nov. 26-30, 2018**, at the Gaylord National Harbor, Md. [http://www.amsusmeetings.org/home-2/](http://www.amsusmeetings.org/home-2/)

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If you need further information on any item in the *Federal Health Update*, please contact Kate Theroux at (703) 447-3257 or by e-mail at katetheroux@federalhealthcarenews.com.