

Table of Contents

Public Policy Council Discusses Federal Rules Impacting Hospitals, Medicaid Opportunities 1

September 6: WHA Member Forum Focuses on 2019 IPPS Final Rule 2

WHA Comments on CMS Physician Self-referral "Stark Law" RFI 2

Congressman Glenn Grothman Attends WHA Roundtable Discussion 2

Trends and Best Practice for Recruitment, Onboarding and Retention of APCs Are Focus of September 13 Conference 3

WHA Annual Administrative Professionals Conference, September 20 3

WHA Emergency Prep Conference: *Cybersecurity in Health Care*, October 23 4

Public Policy Council Discusses Federal Rules Impacting Hospitals, Medicaid Opportunities



L to R: Public Policy Council members Elizabeth Cliffe, Scott Tyre, WHA President Eric Borgerding, and Council Chair Seth Teigen

On August 23, WHA's [Public Policy Council](#) (PPC) met with a full agenda as the federal government continues to propose regulations that will impact hospital finances and operations. In addition, the Council received a briefing on several items being discussed on WHA's proposed agenda for the 2019-2020 state legislative session, particularly related to Medicaid payment, telemedicine, and behavioral health.

WHA's Jon Hoelter, alongside WHA's federal lobbying team at Health Policy Source, provided the Council with insight regarding recent regulations proposed at a federal level impacting hospital outpatient departments, the 340B drug discount program and recently enacted rules related to

transparency. The presentation recapped WHA efforts to protect the 340B program from future harm and lessons going forward that can be applied to the upcoming fight against CMS' proposed cuts to offsite hospital outpatient departments (site-neutral payments).

WHA has been working on scheduling roundtables with key members of Wisconsin's Congressional delegation to educate them on the issue and is planning on hosting a fly-in to D.C. in late September. WHA will also submit a comment letter asking CMS to reverse the cuts which would amount to an estimated \$30 million hit on Wisconsin hospitals in 2019.

Medicaid Workgroup Concludes Work, Reports out to PPC

In addition, the Council discussed recent recommendations from WHA's Medicaid Policy Workgroup, which has now concluded its work in preparation for the next legislative session. The Council received a briefing from WHA Vice President, Public Policy Lisa Ellinger, who reminded the Council of Wisconsin's poor payment in Medicaid resulting in underfunding hospital services by \$1.2 billion in 2017 – particularly in our state's high Medicaid payer-mix safety net and behavioral health hospitals, other hospitals that treat the sickest or highest acuity patients, and for hospital outpatient services where more care is increasingly delivered.



Lisa Ellinger, WHA Vice President of Public Policy, discusses Medicaid Policy Workgroup recommendations

The Council also discussed WHA staff research regarding the differences between payment policies for telemedicine in Medicare and Medicaid. For example, Medicare covers 55 more procedures codes than Medicaid, and Medicaid has created unnecessary regulation to pay for telemedicine services differently than when those services are provided in a non-telehealth setting. Increasing utilization of telemedicine, rather than in-person visits, may reduce the costs Wisconsin Medicaid pays to transport some Medicaid beneficiaries, which currently amounts to \$75 million per year.



L to R: Council Chair Seth Teigen and Kyle O'Brien, WHA Senior Vice President of Government Relations

(continues on page 2)

WHA Members Participate in Council Discussion on Direct Primary Care

Council member Maureen McNally, Froedtert Health, and WHA staff briefed the Council regarding a legislative study committee to examine what is referred to as “direct primary care (DPC).” The Legislature created this study committee following introduction of legislation that would create a regulatory structure for DPC practices and direct the Medicaid program to pursue a pilot offering DPC services to Medicaid enrollees. For more information about this study committee or recent proposals on direct primary care, contact [Jon Hoelter](#), WHA Director, Federal & State Relations, or [Lisa Ellinger](#).

September 6: WHA Member Forum Focuses on 2019 IPPS Final Rule



WHA will offer a complimentary Member Forum webinar titled, **2019 IPPS Final Rule: What Wisconsin Hospitals and Health**

Systems Need to Know on September 6. This webinar will cover the IPPS final rule for 2019, issued by the Centers for Medicare & Medicaid Services (CMS) August 2, with a particular emphasis on provisions that could impact Wisconsin’s hospitals and health systems.

Presenters:

- **Beth Dibbert**, Chief Quality Officer for WHA, will discuss updates to the pay-for-performance programs and policies, as well as changes to various quality measures.
- **Andrew Brenton**, Assistant General Counsel for WHA, will provide details about significant changes to the Medicare electronic health record (EHR) Incentive Program.
- **Jon Hoelter**, Director of Federal and State Relations for WHA, will provide a brief update on new price transparency requirements.

CIOs and information services staff, compliance managers, CEOs, COOs, senior clinical leaders - including CMOs and CNOs, quality leaders, utilization review managers, and infection preventionists will benefit from participating in this webinar.

This WHA Member Forum is open to all WHA hospital and corporate members, but **pre-registration is required**. An audio recording of the webinar will be available after the live event, but you must pre-register to receive the recording.

[Visit us online](#) for more information and to register for this event. Contact [Kayla Chatterton](#) at 608-274-1820 with registration questions.

WHA Comments on CMS Physician Self-referral “Stark Law” RFI

Urges CMS to reform outdated regulations to improve care and value in Medicare

Last week, WHA submitted a [comment letter](#) in response to the Request for Information (RFI) from the Centers for Medicare & Medicaid Services (CMS) on the physician self-referral law, more commonly referred to as the Stark Law. As covered in previous *Valued Voice* articles, the Stark Law has its roots in a 1989 law named after its lead author, former California Congressman Pete Stark. In an era where Medicare paid health care providers based on the volume of services provided, its goal was to ensure physicians refer patients for services and tests based only on whether they are necessary by prohibiting physicians from receiving financial incentives for such referrals.

The RFI from CMS asked for feedback on how the law’s numerous regulations impact integrated delivery models, alternative payment models, and arrangements designed to reward quality over volume. In its comment letter, WHA suggested CMS focus on clarifying confusing definitions, providing clearer exceptions, focus on routing out intentional rather than unintentional violations, and harmonizing the Stark Law with the antikickback statute which contains regulations that often overlap with Stark.

The comment letter also highlighted Wisconsin’s reputation for high-quality, high-value health care, and suggested CMS’ reform its payment structure to reward high-value states like Wisconsin and incentivize other states to make similar quality improvements. WHA noted the Stark Law currently serves as an impediment to hospitals looking to form innovative payment arrangements that reward physicians for improving quality. WHA will continue to advocate for Stark Law reform with CMS and Congress in its federal lobbying efforts.

Congressman Glenn Grothman Attends WHA Roundtable Discussion

Opioid Treatment, 340B, and OPPI rule on site-neutral payments all highlighted

U.S. Congressman Glenn Grothman joined area health system and hospital leaders from his district at a WHA roundtable discussion hosted at Ascension NE Wisconsin – Mercy Campus in Oshkosh. The meeting covered a wide range of current important federal topics including mental health and opioid treatment, federal regulatory reform proposals such as the Stark Law, recent developments in the 340B program, and concerns with CMS’ proposed cuts to offsite hospital outpatient departments (site-neutral payments) in the 2019 Outpatient Prospective Payment System (OPPS) rule.

Ascension Mercy’s Chief Administrative Officer Denise Parrish kicked off the discussion by talking about what they are doing in their community to meet growing mental health and

(continues on page 3)

substance use treatment needs. She highlighted Mercy's recently completed eight-bed inpatient geriatric psychiatric unit, which Congressman Grothman toured while it was under construction in May, and how it is helping to meet the needs of the area's aging population. Other members also talked about efforts to assist with suicide prevention in the Fox Valley and how some area emergency departments are adding recovery coaches to assist patients after an overdose. The group thanked Grothman for his recent votes to pass legislation aligning 42 CFR with HIPAA, which would make it easier to share mental health and substance abuse records, as well as allow Medicaid to fund treatment at institutions of mental disease and behavioral health facilities that have more than 16 beds.



L to R – Caleb Jensema and Mary Paluchniak of HSHS St. Nicholas in Sheboygan, Tony Curry of Advocate Aurora, WHA Director of Federal & State Relations Jon Hoelter, Congressman Glenn Grothman, Denise Parrish and John Leschke of Ascension NE – Mercy Campus, Randy Connour of Holy Family Memorial in Manitowoc, and Elizabeth Cliffe of Ascension Wisconsin

The group praised CMS and Congress for ongoing efforts to reduce the regulatory burden on hospitals. Congressman Grothman lamented about how much paperwork the federal government has piled on health care providers over the years in the name of oversight, and said he was interested to see what positive reforms may come from the Ways and Means Committee's recent Medicare Red Tape Relief Report. The group also discussed ways the physician self-referral law, known as the Stark Law, deters hospitals and health systems from embracing value-based payment reforms due to potential penalties. The group also provided information about the amount of time and resources hospitals must devote to reviewing physician contracts to ensure they are in compliance with the law.

The discussion ended with members voicing concern over a new proposal from CMS in the 2019 OPPI rule that would reduce payments for offsite hospital outpatient clinic visits. While CMS has framed these cuts as site-neutral payments that will save Medicare \$760 million in 2019, WHA members reminded Congressman Grothman that Congress had specifically grandfathered these hospital-based outpatient clinics on two separate occasions, and that these cuts go against Congressional intent. They also reminded him that these higher outpatient payments were designed to offset other under-reimbursed costs hospitals have that physician clinics do not, such as inspections, 24/7 emergency department staffing, and a federal requirement that they must serve anyone who walks into their emergency room, regardless of their ability to pay. Congressman Grothman asked the group to keep him updated on ways he might be able to assist.

Trends and Best Practice for Recruitment, Onboarding and Retention of APCs Are Focus of September 13 Conference

On September 13, WHA is hosting the one-day program, WHA Advanced Practice Clinician Conference: A Comprehensive Look at APC Practice Challenges and Opportunities for Integrated Care Delivery in Wisconsin Dells.

Kurt Mosley, Vice President for Merritt Hawkins, a company of AMN Healthcare, will provide a plenary session focused on current trends and best practices for recruitment, onboarding and retention of Advanced Practice Clinicians (APC). Mosley will also discuss effective strategies for APC compensation expectations, cultural issues across generations, and provider engagement.

Mosley has more than 20 years of health care industry experience and is one of the nation's leading authorities on the evolving health care system, particularly the way provider supply, demand and access are changing.

Share information about this multi-disciplinary conference with your team – administrative leaders, physician leaders, nursing leaders, compliance officer, legal counsel, medical staff services, human resources and recruiting specialists – and encourage them to attend.



WHA is pleased to offer this statewide event on September 13 at Glacier Canyon Lodge at The Wilderness Resort in Wisconsin Dells, along with supporting partners:

- Wisconsin Organization of Nurse Executives (WONE)
- Rural Wisconsin Health Cooperative (RWHC)
- Wisconsin Medical Group Management Association (WMGMA)

Register today for this important conference. A full conference brochure can be viewed [here](#).

Registration questions can be directed to [Kayla Chatterton](#) or call 608-274-1820.

WHA Annual Administrative Professionals Conference, September 20

The administrative professionals who support the important work of hospitals and health systems will benefit from attending WHA's annual one-day program, "Health Care Administrative Professionals Conference," scheduled for September 20 in Madison.

(continues on page 4)

CONTINUED: WHA Annual Administrative Professionals Conference, September 20

The 2018 program will focus on improving communication, writing and time management skills – topics from which all support staff can benefit. In addition, back by popular demand is Melissa Esquibel, Certified Microsoft Trainer, to share Microsoft Office tips and tricks to make your administrative support staff more efficient and effective users.

Encourage your valued administrative support professionals throughout your organization to attend.

This year's program will be held at the Holiday Inn Madison West in Madison. [Registration](#) is now open. For questions about content or registration, contact [Sherry Collins](#) or call 608-274-1820.

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WHA Emergency Prep Conference: Cybersecurity in Health Care, October 23



Register today for the WHA Emergency Preparedness Conference: *Cybersecurity in Health Care*, to take advantage of the Early Bird discount, which expires on September 15.

This important, one-day conference will focus on the very-real issue of cybersecurity in the health care industry and provide takeaways to improve your hospital or health system readiness. Discounted [Early Bird registration](#) for this program is now available.

Throughout the day, experts will discuss current threats facing health care organization preparedness and security and focus on lessons learned from real world events. This includes Dr. Daniel Nigrin, chief information officer for Boston Children's Hospital, sharing the events that occurred when they endured a cyberattack and their response.

This conference has been designed for hospital emergency preparedness directors, chief information officers, health information technology staff, public relations professionals and public information officers. Be sure to pass registration information along to those appropriate in your organization.

The conference is planned for October 23 at the Holiday Inn at The American Center in Madison. The full [event agenda](#) and [online registration](#) for the program are available. Space is limited, so register today!