



FEDERAL UPDATE: 21st Century Cures Act; Continuing Resolution Become Last Acts of 114th Congress

With minutes to spare, Congress passed a Continuing Resolution to avert a government shutdown on December 9, 2016. The Continuing Resolution funds the federal government at 2016 levels until April 28, 2017. However, the bill does include new funds for the 21st Century Cures Act. That legislation was passed December 1, 2016 by the Senate and previously by the House, and signed by President Obama earlier this week.

The 21st Century Cures Act includes revisions to Medicare, including an adjuster for socioeconomic status (SES) when computing reimbursement to hospitals under Medicare's Readmissions Reduction Program (RRP), provisions to further interoperability of electronic health records and discourage information blocking, some relief for payment reductions related to care provided in off-campus hospital-based outpatient departments, authorization and re-authorization of behavioral health programs and \$1 billion to states to fight the opioid crisis, and nearly \$5 billion in new funding to the National Institutes of Health for specific initiatives.

The SES adjuster is an important factor to consider when computing penalties imposed on hospitals that treat patients readmitted within 30 days of a previous discharge. The RRP withholds payment in these readmission cases. However, discharge data confirm that a significant proportion of those readmitted after a recent discharge present with socioeconomic factors, known as the social determinants of health, which predispose them to poorer health outcomes. These factors include poverty, inadequate housing, unemployment, education status, among others. The hospital industry has long fought for an SES adjuster to be part of the RRP.

The act also offers slight relief from the Medicare hospital-based outpatient department rule, also known as the site-neutral rule. That rule stems from the Bipartisan Budget Act of 2015, which lowers reimbursement to off-campus, hospital-based outpatient clinics if they were not fully operational by November 2, 2015. The Cures Act allows for a "mid-build" exception for hospital-based, outpatient departments that were under construction or had a construction agreement in place prior to November 2. The Suburban Hospital Alliance will continue to advocate for more exceptions to the site-neutral rule in the upcoming legislative session.

STATE UPDATE: Insurance Enrollment and Reforms March On

A steady stream of individuals continues to engage the assistance of certified navigators for the New York State of Health Insurance Marketplace. Business has intensified this week, as the deadline for coverage that begins January 1, 2017 occurs December 15, 2016. Open enrollment continues, however, through January 31, 2017.

Enrollment in the small business marketplace, Child Health Plus, Medicaid, and the Essential Plan are available year long, as is enrollment in Qualified Health Plans for individuals with a qualifying life event, like loss of employer-provided coverage. Individuals and small businesses can shop the marketplace through an online portal www.nystateofhealth.ny.gov, by calling the state's customer service number at 855-355-5777, or by meeting with a state-certified navigator.

On Long Island, Suburban Hospital Alliance regional affiliate the Nassau-Suffolk Hospital Council (NSHC) is one of three state-appointed navigator agencies for the region. The Hudson Valley region is serviced by the Community Service Society of New York, Maternal Infant Services Network of Orange, Sullivan, and Ulster counties, and the Westchester County and Rockland County Departments of Health. Navigators are available to assist individuals, businesses, and families in understanding insurance options offered and in purchasing insurance. The NSHC navigator agency maintains a user-friendly, bilingual website that lists enrollment sites and dates and other helpful information at www.coverage4healthcare.org. **NSHC will hold open enrollment at its Hauppauge location (1383 Veterans Memorial Highway, Suite 26) on December 22, 2016 and January 26, 2017 from 4 to 8 p.m.**

Medicaid Funding – In related news, the New York State Department of Health recently secured an extension of the federal waiver that allows it to implement extensive Medicaid reforms, such as the **Delivery System Reform Incentive Payment (DSRIP) program**. The extension runs through March 31, 2021.

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