

DC Update Kentucky Rural Health Clinic Summit

Nathan Baugh

Director of Government Affairs

National Association of Rural Health Clinics



Overview

- New Services RHCs can provide
 - Virtual Care Communication
- Latest regulatory documents
 - SOM Appendix G
 - Medicare Benefit Manual Chapter 13
- Regulatory Relief Proposed Rule
- NARHC Legislative Efforts
 - RHC Modernization Act of 2019
- Healthcare 2020 and beyond





Rural Health Clinic Services Act ~ 1977

PUBLIC LAW 95-210—DEC. 13, 1977

91 STAT. 1485

Public Law 95-210
95th Congress

An Act

To amend titles XVIII and XIX of the Social Security Act to provide payment for rural health clinic services, and for other purposes.

Dec. 13, 1977
[H.R. 8422]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Social Security Act,
amendment.

MEDICARE AMENDMENTS

SECTION 1. (a) Section 1832(a) of the Social Security Act is amended—

42 USC 1395k.

(1) by striking out “paragraph (2) (B)” in paragraph (1) and



Rural Health Clinic ~ Purpose?

- President Carter's Statement on December 13, 1977 signing the Rural Health Clinics Services Act into law:
- "At its best the American health care system is unsurpassed. But its uneven distribution leaves millions of our people without access to adequate care. This problem effects both urban and rural areas but is more wide-spread in the latter. Two thirds of the people in areas without adequate health care live in rural America. One of the most sensible and efficient ways to cope with this problem is to enable Physician Assistants and Nurse Practitioners to provide regular and high quality care in small convenient outpatient clinics. Through such programs as the National Health Service Corps and the Appalachian Regional Commission, the federal government has helped to start and support these clinics and train the highly skilled professions who operate them. But there has been a major obstacle to the healthy growth of these clinics in the areas that need them. That is the failure of public and private health insurance programs to support them. The legislation that I am signing today will correct this defect in our public health insurance programs by requiring that the Medicare and Medicaid programs pay for the services of Physician Assistants and Nurse Practitioners in clinics and rural areas without adequate care. This reform will guarantee greater financial stability for clinics already in existence and help establish new clinics were they are needed most."



Examples of new services Medicare will pay for

- Diabetes Prevention Program
- Chronic Care Management
- Remote Patient Monitoring
- Virtual Communications Services



Where are these new codes coming from?

'(4) EVALUATION-

'(A) IN GENERAL- The Secretary shall conduct an evaluation of each model tested under this subsection. Such evaluation shall include an analysis of--

'(i) the quality of care furnished under the model, including the measurement of patient-level outcomes and patient-centeredness criteria determined appropriate by the Secretary; and

'(ii) the changes in spending under the applicable titles by reason of the model.

'(B) INFORMATION- The Secretary shall make the results of each evaluation under this paragraph available to the public in a timely fashion and may establish requirements for States and other entities participating in the testing of models under this section to collect and report information that the Secretary determines is necessary to monitor and evaluate such models.

'(c) Expansion of Models (Phase II)- Taking into account the evaluation under subsection (b)(4), the Secretary may, through rulemaking, expand (including implementation on a nationwide basis) the duration and the scope of a model that is being tested under subsection (b) or a demonstration project under section 1866C, to the extent determined appropriate by the Secretary, if--

'(1) the Secretary determines that such expansion is expected to--

'(A) reduce spending under applicable title without reducing the quality of care; or

'(B) improve the quality of care and reduce spending; and

'(2) the Chief Actuary of the Centers for Medicare & Medicaid Services certifies that such expansion would reduce program spending under applicable titles.



2019 PFS Proposed Rule – CCM Provisions



- Proposed payment methodology for HCPCS code G0511 would be the average of the 4 national non-facility PFS payment rates for
 - CPT 99490 (20 minutes or more of CCM services)
 - CPT 99487 (60 minutes or more of complex CCM services)
 - CPT 99484 (20 minutes or more of BHI services)
 - CPT 99491 (30 minutes or more of CCM furnished by a physician or other qualified health care professional)
- Proposed payment rate for 99491 is \$74.26
- Average of the four is \$67.03
- Psychiatric CoCM G0512 pays \$145.96
- FAQ: <https://www.cms.gov/Medicare/Medicare-Fee-for-Service-Payment/FQHCPPS/Downloads/FQHC-RHC-FAQs.pdf>



2019 Physician Fee Schedule – Communication Technology-Based Services

- At least 5 minutes of communications technology-based or remote evaluation services
- Furnished by an RHC practitioner
- To a patient that has been seen in the RHC within the previous year
- May be billed when the medical discussion or remote evaluation is for a condition not related to an RHC service provided within the previous 7 days, and
- Does not lead to an RHC service within the next 24 hours or at the soonest available appointment (since in those situations the services are already paid as part of the RHC AIR)



Proposed Billing and Payment for Communication Technology-Based Services

- New Virtual Communications G code for use by RHCs (and FQHCs) only
- G0071
- Payment rate set at the average of the PFS national non-facility payment rates for HCPCS code G2012 (communication technology-based services) and HCPCS code G2010 (remote evaluation services)
- Payment around \$14
- FAQ link:
<https://www.cms.gov/Medicare/Medicare-Fee-for-Service-Payment/FQHCPPS/Downloads/VCS-FAQs.pdf>



Regulatory Relief Proposed Rule

Released Sep. 20 of 2018, expectation that this will be finalized in June/July

- [Changing](#) the annual review of patient care policies and program evaluations to an every-other-year requirement.
- [Allowing](#) facilities to review their Emergency Preparedness program every other year instead of every year.
- [Eliminating](#) the requirement that RHCs must document their communication with emergency preparedness officials.
- [Allowing](#) facilities to train their staff on emergency preparedness every other year.
- [Reducing](#) the number of emergency preparedness exercises required per year to one.



Trump Administration Proposal on Non-Discrimination Rules

- The Department proposes to repeal *in toto* the Section 1557 provisions on taglines the use of language access plans, and notices of non-discrimination. The Department also proposes to replace the requirements for remote English-language video interpreting services with comparably effective requirements with respect to audio-based services. The current rule's provisions were not justified by need, were overly burdensome compared to the benefit provided, and created inconsistent requirements for HHS funded health programs or activities as compared to HHS funded human services programs or activities. The Department proposes to return to the language access standard previously in place under the existing Title VI regulation as interpreted by the U.S. Supreme Court and HHS and the Department of Justice in their LEP guidance documents.
- For reasons explained more fully below, the 2016 estimate of \$7.2 million in onetime costs stemming from the notice and taglines requirement was a gross underestimation, and thus this proposed rule's elimination of those requirements would generate a large economic savings of approximately \$3.6 billion over five years based on the proposed repeal of the notice and taglines provision.
- <https://www.hhs.gov/sites/default/files/1557-nprm-hhs.pdf>



Updates to Important RHC Documents

- State Operations Manual Appendix G ~ Updated 1/26/18
- <https://www.cms.gov/Medicare/Medicare-Fee-for-Service-Payment/FQHCPPS/Downloads/FQHC-RHC-FAQs.pdf>
- Update to Medicare Benefit Policy Manual Chapter 13 ~ Updated 12/7/18
- <https://www.cms.gov/Regulations-and-Guidance/Guidance/Manuals/downloads/bp102c13.pdf>

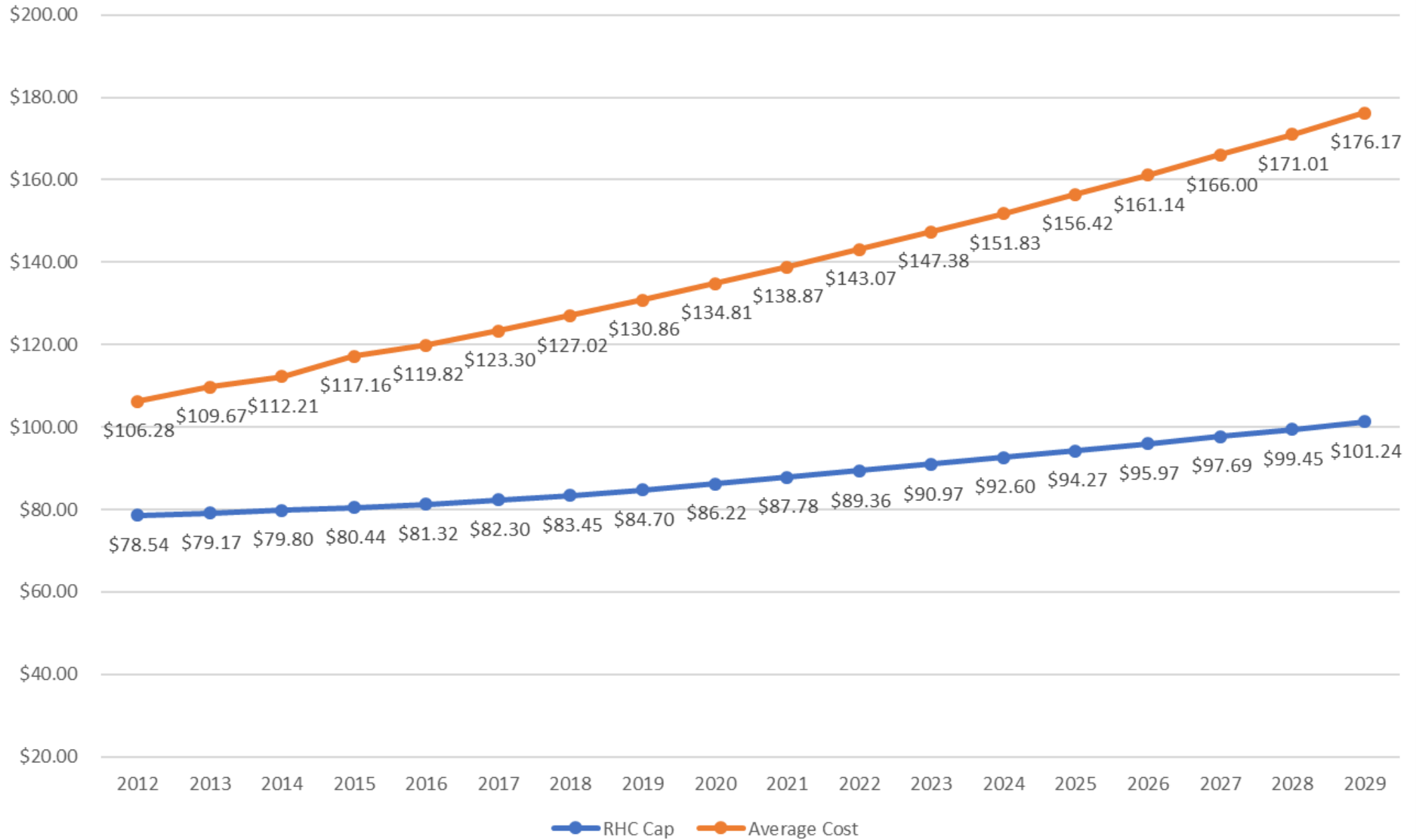


Legislative Efforts

- Rural Health Clinic Modernization Act
- https://www.web.narhc.org/narhc/RHC_Modernization_Act_Advocacy.asp
- House – H.R. 2788
- Senate – S. 1037
- What are we trying to fix?



Upper Limit on RHC Medicare Reimbursement (Cap) vs. Average Cost per Visit





John Barrasso

— U.S. SENATOR * WYOMING —

Chairman, Senate Republican Conference

FOR IMMEDIATE RELEASE: April 4, 2019

CONTACT: [Barrasso Press Office](#) (Barrasso) – (202) 224-6441

[Molly Morrisey](#) (Smith) – (202) 224-9857

Barrasso, Smith Introduce Bipartisan Rural Health Clinic Modernization Act

Bill provides regulatory relief for rural health clinics and improves reimbursement rates.

WASHINGTON, DC –Today, U.S. Senators John Barrasso (R-WY) and Tina Smith (D-MN) introduced the bipartisan Rural Health Clinic Modernization Act ([S. 1037](#)). The bill provides regulatory relief for rural health clinics while also improving reimbursements for these important facilities.

“As a doctor from a rural state, I want all patients to have access to high-quality care wherever they live,” **Sen. Barrasso said**. “Rural health clinics have a long record of making sure that folks in rural communities receive primary care close to home. I am proud to help lead this bipartisan effort to strengthen rural health clinics so they will continue to serve patients in Wyoming and across rural America.”

“We need to do everything we can to make sure that people in rural areas are able to get healthcare,” **Sen. Smith said**. “While there have been significant changes in the health care system, many of the laws focusing on Rural Health Clinics haven’t been updated in over 40 years. Our bipartisan bill would fix some of the old rules that are in need of these upgrades. For example, it expands the ability of physician assistants and nurse practitioners to provide care in these clinics. This legislation is really about making sure at the end of the day people are going to be able to get the vital care Rural Health Clinics provide in underserved, rural areas.”

Rural Health Clinics (RHCs) were established through the Rural Health Clinic Services Act of 1977. The purpose of RHCs was to address the shortage of health care providers serving in rural communities, including advanced practice clinicians.

There are approximately [4,100](#) rural health clinics operating in the United States. Rural Health Clinics are an important part of the rural health care safety net, with facilities heavily dependent on [Medicare](#) and Medicaid reimbursement.

TINA SMITH
UNITED STATES SENATOR FOR MINNESOTA



U.S. Senator Tina Smith Introduces Bipartisan Bills to Invest in Rural Communities

Senators’ Legislation Seeks to Spur Rural Broadband Expansion and Make Sure Rural Health Clinics Continue Serving Minnesotans, Americans Across the Nation

WASHINGTON D.C. [04/04/2019]— This week, U.S. Senator Tina Smith helped introduce a pair of bipartisan bills to expand investments in rural communities: one designed to help improve rural broadband, and one to improve rural health care.

Sen. Smith has been contacted by several Minnesota cooperatives—which are a vital part of the effort to build out rural broadband in the state—that are at risk of losing their tax-exempt status due to a mistake in the 2017 tax law. The mistake in the 2017 law put the tax-exempt status of co-ops at risk if they receive government grants to expand broadband or to recover from a natural disaster. The Revitalizing Underdeveloped Rural Areas and Lands (RURAL) Act, that she introduced with Sen. Rob Portman (R-Ohio) would fix that error that hinders rural broadband expansion. Their bill would ensure that co-ops can retain their tax exemptions in efforts to expand rural broadband or in providing relief from, or preparation for, a disaster or emergency.



RHC Modernization Act– What does it do?

Designed to pass, not to make a statement. Uncontroversial and cost free provisions

Sec. 2 ~ Modernizing Physician, Physician Assistant, and Nurse Practitioner Utilization Requirements.

Modernizes physician supervision requirements in RHCs by aligning scope of practice laws with state law. Allows PAs and NPs to practice up to the top of their license without unnecessary federal supervision requirements that apply only because the PA or NP is practicing in a RHC.

Sec. 3 ~ Removing Outdated Laboratory Requirements

Removes a requirement that RHCs maintain certain lab equipment on site, and allows RHCs to satisfy this certification requirement if they have *prompt access* to lab services.

Sec. 4 ~ Allowing Rural Health Clinics the Flexibility to Contract with Physician Assistants and Nurse Practitioners.

Removes a redundant requirement that RHCs employ a PA or NP (as evidenced by a W2) and allows RHCs to satisfy the PA, NP, or CNM utilization requirements through a contractual agreement if they chose to do so.

Sec. 6 ~ Including Facilities Located in Certain Areas

Gives states authority to designate areas as rural for purposes of the RHC program.



RHC Modernization Act of 2019 – What does it do?

Cost Provisions

Sec. 5 ~ Allowing Rural Health Clinics to be the Distant Site for a Telehealth Visit.

Allows RHCs to offer telehealth services as the distant site (where the provider is located) and bill for such telehealth services as RHC visits.

Sec. 7 ~ Raising the Cap on Rural Health Clinic Payments.

Increases the upper limit (or cap) on RHC reimbursement to:

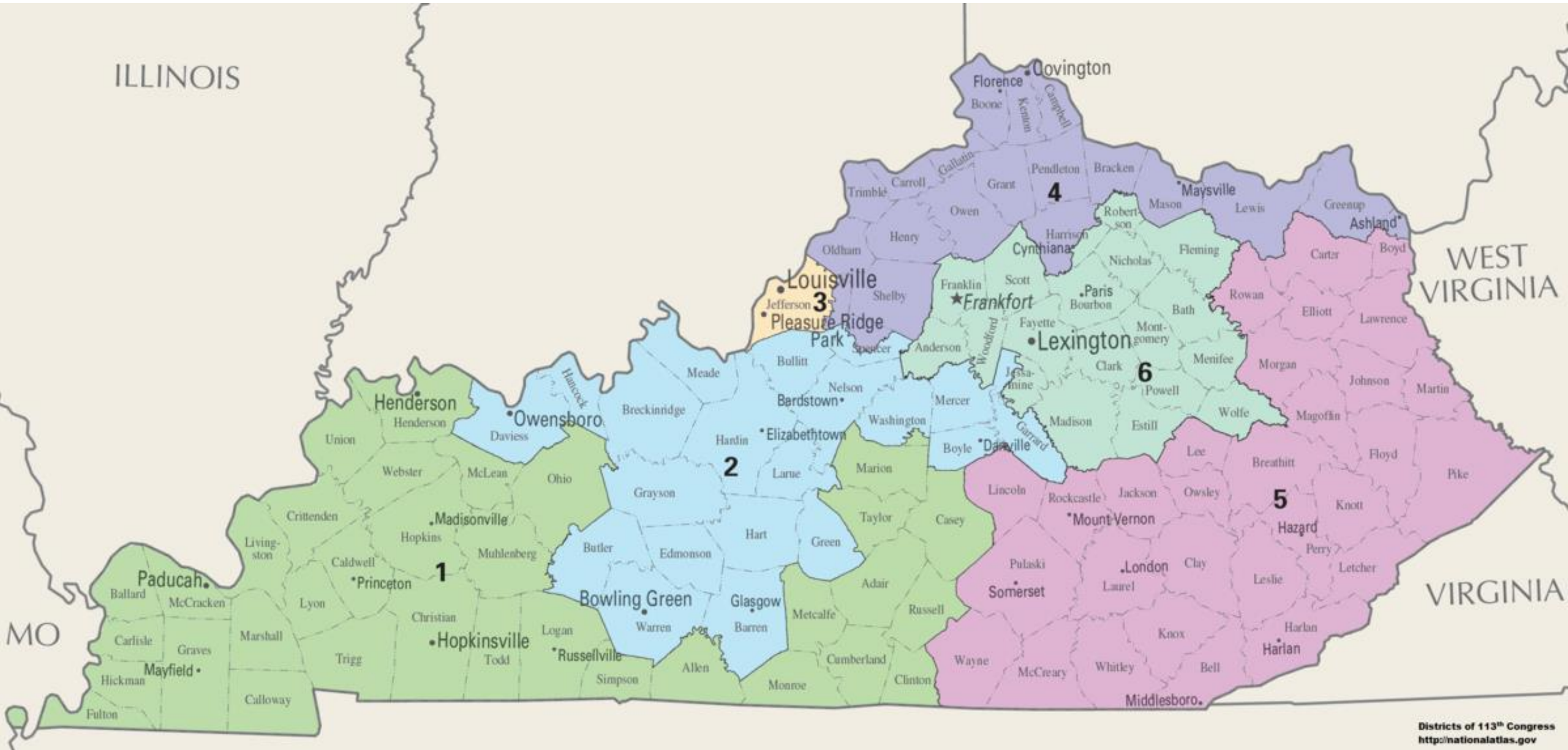
- \$105 in 2020

- \$110 in 2021

- \$115 in 2022

- And by MEI each year thereafter.





Kentucky Senators

- Senator Mitch McConnell, Health Policy Adviser: Amy Nabozny
 - amy_nabozny@mcconnell.senate.gov
- Senator Rand Paul, Health Policy Advisers: Brandon Booker, Agnes Riggs
 - brandon_brooker@paul.senate.gov
 - agnes_riggs@paul.senate.gov
- Reach out to Senators McConnell and Paul, explain who you are, and ask them to consider supporting the RHC Modernization Act



Kentucky House Delegation

- Rep. James Comer~ KY-01~ Health LA: Jim Goldstein
jim.goldenstein@mail.house.gov
- Rep. Brett Guthrie~KY-02 Health LA: Sophie Trainor
sophie.trainer@mail.house.gov
 - House Committee on Energy and Commerce
- Rep. John Yarmuth~ KY-03~ Health LA: Gill Reyes
gill.reyes@mail.house.gov
- Rep. Thomas Massie~ KY-04~ Health LA: Seana Cranston
seana.cranston@mail.house.gov
- Rep. Hal Rogers~ KY-05~ Health LA: Alex Pinson
alex.pinson@mail.house.gov
- Rep. Andy Barr~ KY-06~Health LA: Claire Osborn
claire.osborn@mail.house.gov



What is the ask?

- Please cosponsor the RHC Modernization Act of 2019

First signed into law by President Jimmy Carter in 1977, the RHC program was designed to improve access to health care in rural, underserved areas. Over forty years later, we are happy to report that there are approximately 4,400 RHCs, providing quality care to rural and underserved patients. However, the program is in desperate need of modernization if we are to succeed for another forty years.

The rural health clinic reimbursement model is supposed to be based on costs, but due to the increasingly burdensome and outdated statutory language regarding the upper limit (often referred to as the cap), some rural health clinics are reimbursed far below their actual costs to deliver care. Since 2012, 388 rural health clinics have closed impacting around 3.87 million residents' access to care. These closures are primarily driven by this inadequate and arbitrarily low cap on reimbursement.

The Rural Health Clinics Modernization Act of 2019 makes vital changes to Medicare reimbursement policy by increasing this upper limit to a level that better reflects the cost of delivering care in rural America. If we cannot fix this policy, we fear that many more RHCs will close and millions more residents will lose access to care.

The Rural Health Clinics Modernization Act of 2019 also addresses certain outdated aspects of the RHC statute and Conditions for Certification (CfC) that are currently written with a 1977 understanding of medicine. These changes include:

- aligning federal scope of practice laws for Physician Assistants and Nurse Practitioners with state scope of practice laws;
- modernizing the currently-outdated lab and “emergency kit” requirements; and
- allowing RHCs to be the distant-site in a telehealth visit.

Together, these provisions will strengthen the RHC program and better enable RHCs to continue their mission of providing health care in the rural and underserved regions of our country.



Single Payer Polling over time

	1996 – 2000	2002 – 2004	2008- 2009	2016	2017
Favor Single Payer	40%	39%	46%	50%	53%
Oppose Single Payer	53%	55%	49%	50%	43%



Devil is in the details?

	Positive/Somewhat Positive	Negative/Very Negative
Medicare-for-All	62%	34%
Universal Health Coverage	61%	33%
National Health Plan	57%	34%
Single-Payer Plan	48%	32%
Socialized Medicine	44%	44%



Relevant Section from H.R. 1384

- **SEC. 611. PAYMENTS TO INSTITUTIONAL PROVIDERS BASED ON GLOBAL BUDGETS.**
- (a) IN GENERAL.—Not later than the beginning of each fiscal quarter during which an institutional provider of care (**including hospitals, skilled nursing facilities, Federally qualified health centers, home health agencies, and independent dialysis facilities**) is to furnish items and services under this Act, the Secretary shall pay to such institutional provider a lump sum in accordance with the succeeding provisions of this subsection and consistent with the following...
- **SEC. 612. PAYMENT TO INDIVIDUAL PROVIDERS THROUGH FEE-FOR-SERVICE.**
- (a) IN GENERAL.—In the case of a provider not described in section 611(a) (including those in group practices who are not receiving payment on a salaried basis described in section 611(a)(3)), payment for items and services furnished under this Act for which payment is not otherwise made under section 611 shall be made by the Secretary in amounts determined under the fee schedule established pursuant to subsection (b). Such payment shall be considered to be payment in full for such items and services, and a provider receiving such payment may not charge the individual receiving such item or service in any amount.





Nathan Baugh

(202) 543-0348

Nathan.Baugh@narhc.org

www.narhc.org

