



## CMS Snapshot

### October 26-November 2, 2023

Delivered to you by the Partner Relations Group in the Office of Communications

All releases below are from 2pm Thursday, October 26 through 2pm Thursday, November 2, 2023

#### News Releases

\*October 27- [Biden-Harris Administration Advances Efforts to Improve the Surprise Billing Payment Dispute Process](#). Today, the Biden-Harris Administration (the Administration), through the Departments of Health and Human Services (HHS), Labor, and the Treasury (the Departments), along with the Office of Personnel Management (OPM), released a proposed rule on the No Surprises Act's Federal independent dispute resolution (IDR) process. The Administration has demonstrated its commitment to implementing the No Surprises Act (NSA) to protect consumers from surprise billing and is consistently making progress in improving the Federal IDR process. The Federal IDR process is a mechanism that providers (including air ambulance providers), facilities, and health plans can use to resolve payment disputes for certain out-of-network charges.

\*October 27- [Letter to COVID-19 therapeutics manufacturers, distributors, pharmacies and the health care payer community](#). To COVID-19 therapeutics manufacturers, distributors, pharmacies and the health care payer community: We appreciate your strong partnership over the past three years in providing broad access to COVID-19 therapeutics. Together, we have distributed more than 28 million treatment courses of therapeutics. Your collaboration and dedication to this mission have enabled the Department of Health and Human Services (HHS) to deliver safe and effective medical countermeasures to the American public efficiently and equitably.

\*October 30- [HHS Proposes Rule to Establish Disincentives for Health Care Providers that have Committed Information Blocking](#). HHS requests public comment by January 2, 2024. The U.S. Department of Health and Human Services (HHS) today released a [proposed rule](#) for public comment that would establish disincentives for health care providers found by the HHS Office of Inspector General (OIG) to have committed information blocking – when a provider knowingly and unreasonably interferes with the access, exchange, or use of electronic health information except as required by law or covered by a regulatory exception. The proposed rule, which reflects contributions from throughout the department, implements the HHS Secretary's authority under section 4004 of the 21st Century Cures Act (Cures Act).

\*October 30- [Surgeon General Launches Nationwide “We Are Made to Connect” College Tour to Inspire Students to Build, Strengthen, and Prioritize Relationships](#). *After Warning about the Profound Public Health Challenge Loneliness Poses – Especially for Young Adults – Surgeon General Dr. Vivek Murthy to Issue 5-for-5 Connection Challenge to Students to Help Build More Connection in Their Lives.* (Washington, DC) -- Recognizing the significant challenges that loneliness, social isolation, and mental health pose to college-aged Americans, the Surgeon General of the United States, Dr. Vivek Murthy, is launching the national “We Are Made to Connect” Tour. The Surgeon General will travel to colleges across the country beginning today and throughout the month of November to inspire people to incorporate moments of connection into their daily lives to help improve their health and well-being.

\*October 31- [HHS’ Office for Civil Rights Settles Ransomware Cyber-Attack Investigation](#). *OCR Settles with Business Associate in attack affecting over 200,000 individuals.* Today, the U.S. Department of Health and Human Services (HHS), Office for Civil Rights (OCR) announced a settlement under the Health Insurance Portability and Accountability Act (HIPAA) with Doctors’ Management Services, a Massachusetts medical management company that provides a variety of services, including medical billing and payor credentialing. The HIPAA Privacy, Security, and Breach Notification Rules set forth the requirements that HIPAA-regulated entities must follow to protect the privacy and security of health information. The \$100,000 settlement resolves a large breach report regarding a ransomware attack that affected the electronic protected health information of 206,695 individuals. Ransomware is a type of malware (malicious software) designed to deny access to a user’s data, usually by encrypting the data with a key known only to the hacker who deployed the malware, until a ransom is paid. This marks the first ransomware agreement OCR has reached.

\*October 31- [HHS Issues Take Action for Adolescents: A Call to Action for Adolescent Health and Well-Being](#). Today, HHS issued [Take Action for Adolescents: A Call to Action for Adolescent Health and Well-Being](#) a new effort to promote collaboration and spur action to improve the health and well-being of adolescents across the U.S.

\*October 31- [HHS Secretary Becerra's Statement on the FDA’s Approval of Wezlana](#). Today, U.S. Department of Health and Human Services (HHS) Secretary Xavier Becerra released the following statement regarding the FDA’s approval of Wezlana (ustekinumab-auub) as a biosimilar to and interchangeable with Stelara (ustekinumab) for multiple inflammatory diseases.

\*November 1- [Secretary Becerra Named Chair of U.S. Interagency Council on Homelessness; Announces \\$6.1 Million in New Measures on Affordable Housing and Support for Runaway Youth; Launches Housing and Services Partnership Accelerator](#). *HHS awards \$2.1M to bolster supportive services for families living in affordable housing; awards 11 new grants totaling nearly \$4 million for runaway and homeless youth prevention. HHS and HUD announce joint Housing and Services Partnership Accelerator to support innovation.* The U.S. Department of Health and Human Services Secretary Xavier Becerra was named chair of the U.S. Interagency Council on Homelessness (USICH), which harnesses the collective power of 19 federal agencies

to coordinate the federal homelessness strategy and support state and local efforts to prevent and end homelessness. HHS, through the Administration for Children and Families (ACF), also announced 9 new grants totaling \$2.1M to bolster supportive services for families living in affordable housing and 11 new grants totaling nearly \$4 million for runaway and homeless youth prevention.

## Fact Sheets

\*October 27- [No Surprises Act Independent Dispute Resolution Process Proposed Rule Fact Sheet](#). In the Federal Independent Dispute Resolution (IDR) Operations proposed rule released today, the Departments of Health and Human Services, Labor, and the Treasury (the Departments) and the Office of Personnel Management propose certain new requirements for group health plans and health insurance issuers; providers, facilities, and providers of air ambulance services (also known as “providers”); and certified IDR entities as they relate to the Federal IDR process under the No Surprises Act (NSA).

\*October 27- [Calendar Year 2024 End-Stage Renal Disease \(ESRD\) Prospective Payment System \(PPS\) Final Rule \(CMS-1782-F\)](#). On October 27, the Centers for Medicare & Medicaid Services (CMS) issued a final rule that updates payment rates and policies under the end stage renal disease (ESRD) prospective payment system (PPS) for renal dialysis services furnished to Medicare beneficiaries on or after January 1, 2024. This rule also updates the acute kidney injury (AKI) dialysis payment rate for renal dialysis services furnished by ESRD facilities for calendar year (CY) 2024. In addition, the rule updates requirements for the ESRD Quality Incentive Program (QIP).

\*November 1- [Calendar Year \(CY\) 2024 Home Health Prospective Payment System Final Rule \(CMS-1780-F\)](#). On November 1, 2023, the Centers for Medicare & Medicaid Services (CMS) issued the calendar year (CY) 2024 Home Health Prospective Payment System (HH PPS) Rate Update final rule, which updates Medicare payment policies and rates for Home Health Agencies (HHAs). This rule includes routine updates to the Medicare Home Health PPS payment rates for CY 2024 in accordance with existing statutory and regulatory requirements. As described further below, CMS estimates that Medicare payments to HHAs in CY 2024 will increase in the aggregate by 0.8 percent, or \$140 million, compared to CY 2023.

## Blog

\*November 1- [Improving Data to Support the Home- and Community-Based Workforce](#).  
By: [Senior Representatives](#), U.S. Department of Health and Human Services and U.S. Department of Labor. Summary: Better data is necessary to improve job quality for home- and community-based service providers and to expand equitable access to services. This November,

as we honor National Family Caregivers Month, the U.S. Department of Health and Human Services (HHS) and the U.S. Department of Labor are also recognizing the paid workforce that provides essential home- and community-based services to millions of older adults and people with disabilities. Without access to these critical workers, who are predominantly women, and disproportionately women of color, family caregivers have no choice but to take on more care. These direct care workers include personal care and home health aides, direct support professionals and others who help with self-care and other daily tasks. Their work supports individuals' ability to work and live in their communities, rather than in institutions.

\*November 1- [Apply for 2024 Marketplace insurance today!](#) Open Enrollment for 2024 health insurance is officially here! From now until January 15, 2024, you can apply for new health coverage or make changes to your existing plan for next year.