

FYI Weekly

HEALTH CARE NEWS FOR VIRGINIA'S HOSPITALS AND HEALTH SYSTEMS

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1. VHHA in Action

Each day, VHHA actively works on behalf of its members, their employees, and Virginians to advance the interests of Virginia's hospitals and health care systems. In the past week, here are some developments of interest to Virginia hospitals and health systems:

- The **Virginia State Corporation Commission (SCC)** has updated its website to provide resources for health care providers who submit complaints alleging insurer noncompliance with applicable laws and regulations. Under the [law](#), the **SCC Bureau of Insurance (BOI)** investigates all complaints and, following subsequent investigations, reports its findings and any resulting action to the complainants. The provider complaint procedures can be accessed online [here](#) under the "File Your Complaint/Appeal by Mail or Fax (Complaint Forms)" section.
- January is **Cervical Cancer Awareness Month** and **National Human Trafficking Prevention Month**. Vaccination and screening are ways to reduce the risk of an adverse health outcome due to cervical cancer. The **Virginia Department of Health (VDH)** encourages providers to ensure patients are up to date with immunizations and screenings and to share information about the [Every Women's Life](#) program that supports low-income and uninsured patients in accessing free breast and cervical cancer screenings and diagnostics. Human trafficking is a criminal form of modern bondage and exploitation. The **U.S. Department of Health and Human Services (HHS)** Office on Trafficking in Persons is sharing a Human Trafficking Prevention Month Toolkit with information and resources [here](#).
- The **Centers for Medicare & Medicaid Services (CMS)** recently issued a [proposed rule](#) to provide additional appeals processes for Medicare beneficiaries in certain circumstances. The proposed rule stems from a nationwide class action case filed in 2011 and affirmed by the **U.S. Court of Appeals for the Second Circuit** in January 2022 that ordered the HHS Secretary to establish additional appeals processes for Medicare beneficiaries who were admitted as an inpatient but

whose status changed to outpatient during a hospital stay. The proposed appeals processes include an expedited appeal for beneficiaries who appeal their hospital status during their stay, a standard appeal for beneficiaries who appeal after discharge from the hospital, and a retrospective appeal for beneficiaries involved in the class action suit.

- The **Virginia Neonatal Perinatal Collaborative** (VNPC) is offering two free webinar series focused on maternal and child health in 2024. One is centered on 2SLGBTQIA+ mental health and reproductive care. Webinars in that series are held every third Thursday of the month from 12-1 p.m. from January-May 2024. Register for that series [here](#). The other is the VNPC 2024 monthly webinar series held the third Tuesday of each month from 12-1 p.m. Webinars in this series focus on relevant topics in maternal and infant health in Virginia. Register [here](#).
- CMS recently corrected a technical error in the displayed calendar year 2024 outpatient prospective payment system payment rate for APC 5061 (Hyperbaric Oxygen Therapy). According to the CMS online OPPS payment file, the corrected Medicare payment rate for hyperbaric oxygen therapy, starting Jan. 1, 2024, is now listed as \$132.21, rather than the \$73.64 indicated in the final rule. View the updated payment file for [OPPS](#) and for [ASCs](#).
- Rural hospital leaders, along with leaders at health systems with rural health care services, are encouraged to attend the **American Hospital Association** (AHA) [Rural Health Care Leadership Conference](#) scheduled for Feb. 11-14, 2024, in Orlando, FL. The conference brings together leaders from across the country for peer-to-peer networking, as well as to offer strategies and resources that will help leaders tackle rural health challenges and learn about innovative approaches to transform care delivery and business practices. Learn more and register [here](#).
- State and federal policymakers, with support from the hospital community, have passed a series of laws protecting patients and families from surprise medical bills, promoting health insurance and hospital price transparency, and enabling people to get good faith price estimates prior to scheduled hospital procedures. Yet the vast majority of Virginians don't know these consumer-friendly reforms exist to benefit them, according to [statewide polling](#) and focus group research conducted this year by the Virginia Hospital & Healthcare Association (VHHA). To address that information gap, VHHA has launched the "[Control Your Care](#)" public awareness campaign to ensure patients and families know their rights to help them make informed medical decisions. The campaign includes a website, [ControlYourCare.com](#), with easy-to-understand information about consumer-focused health care reforms, links to state and federal laws regarding good faith price estimates, insurance and health care price transparency, surprise medical bills as well as descriptions of what the laws do, and other tools to serve the public. This campaign will be supported with statewide digital and broadcast advertising to help raise public awareness about the availability of these resources. Read more [here](#).
- VHHA recently hosted the inaugural meeting of the **VHHA Cybersecurity Committee**, a group comprised of senior or executive level cybersecurity professionals at VHHA-member hospitals and health systems. Meetings will be held on a bimonthly basis and the focus of the Committee's work is on hospital-related cybersecurity concerns, best practices, procedures and protocols, and related issues. Member hospitals and health systems are welcome to nominate staff members to serve on the Committee. Please direct any questions to Ryan Lodata at rlodata@vhha.com.
- HHS and the **U.S. Departments of Labor and Treasury** have issued a [final rule](#) that increases the administrative fee for disputes initiated under the *No Surprises Act* independent dispute resolution (IDR) process from \$50 to \$115 per party per dispute. The departments also finalized an increase to the fee range for certified IDR entities to \$200-\$840 for single determinations and \$268-\$1,173 for batched determinations. IDR entities will have discretion to increase the fee for

batched disputes with more than 25 line items at a rate of \$75-\$250 per increment of 25 line items. The changes take effect for disputes initiated on or after 30 days after publication of the final rule in the Federal Register, which is anticipated to occur within the next week. These fees will remain in effect until changed by subsequent notice-and-comment rulemaking. The rule was developed following a federal court decision earlier this year that vacated a nationwide a federal fee increase and batching rule for the IDR process for certain out-of-network providers and group health plans on the grounds that they violated the Administrative Procedures Act's notice-and-comment requirement. Read more [here](#). In related news, the independent dispute resolution portal for the No Surprises Act has been reopened to process all dispute types, including previously initiated batched disputes, new batched disputes, and new single disputes involving air ambulance services. The deadline to initiate a new batched dispute or a new single dispute involving air ambulance services has also been extended to March 14, 2024. Read more [here](#).

- The **Virginia Nurses Association** (VNA) has 15 grant-supported nursing scholarship opportunities available for participants in the 2024 Virginia Nurse Leadership Academy. The program, which is presented by the Virginia Nurses Foundation with scholarship support from VDH, is accepting 35 total fellows. This is the second year for the Academy, which has already graduated more than 30 accomplished fellows. Read more about the program and apply through this [link](#). The application deadline is today (Friday, Jan. 5).
- VHHA actively engages with the news media to share public messaging and coordinate member media appearances to showcase the important work done by Virginia hospitals. That includes recent coverage from [WHSV](#) and [WVVA](#).

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2. 2024 Virginia General Assembly Session Commences Next Week

The 2024 **Virginia General Assembly** legislative session begins next week on Jan. 10. This year's session is considered one of the "long" 60-day sessions that occur in even years. During the session, Virginia legislators will craft a biennial budget to set state fiscal policy for a two-year period beginning on July 1, 2024. Last month, **Virginia Governor Glenn Youngkin** presented his vision for the Commonwealth's next two-year budget. His "Unleashing Opportunity" fiscal blueprint represents a singular opportunity for Governor Youngkin to imprint his priorities on how Virginia allocates its financial resources at the midway point of his gubernatorial term. This plan continues the Governor's pursuit of tax reform and tax relief for Virginians and includes a series of proposals to make continued investments into behavioral health care and health care workforce development. The Governor's budget proposal is the starting point for development of the biennial budget that covers a two-year period beginning July 1, 2024. Lawmakers in both chambers of the General Assembly will offer amendments to the budget during the legislative session. Ultimately, the legislature will pass a compromise budget that reflects a modified version of Governor Youngkin's proposal. The Governor will then consider the package of amendments sent to him with the option to individually accept them, further modify them through amendment, or reject them by veto. Legislators then get a final chance to consider any changes from the Governor when they return to Richmond for a one-day "reconvened" session in April. Throughout this process, the VHHA Government Affairs team will remain diligently engaged with the Youngkin Administration and members of the General Assembly to advocate for policy and budgetary outcomes that support Virginia hospitals and health systems in their mission of serving patients and enhancing public health. Supporting that work this year are several new additions to the VHHA team: Director of Government Affairs **Hannah Coley**, who previously served as Chief of Staff to Virginia Senator Siobhan Dunnavant; Manager of

Government Affairs **Tori Mabry**, who joins the Association after serving as Special Assistant in the Office of the Governor in the Health and Human Resources Secretariat; and Director of Behavioral Health Initiatives **Christine Schein**, LCSW, who joins VHHA following roles with the Virginia Department of Behavioral Health and Developmental Services (DBHDS) and United Healthcare-Optum. – Julie Dime

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3. Register for 2024 Regional Human Trafficking Summit in Richmond

Register now for the fourth annual Regional Human Trafficking Summit hosted by the **Regional Interdisciplinary Collaborative Working to Disrupt Human Trafficking** (RIC), a multi-state non-profit group that brings together academics, advocates, caregivers, clinicians, law enforcement, survivors, and other stakeholders who are working to end human trafficking. The theme of the Summit, which is scheduled for Feb. 7-8, 2024 at the **VCU School of Medicine**, is “Expanding Community Partnerships to Address Human Trafficking.” Registration is available through this [link](#) (the early bird rate ends today, Friday, Jan. 5, 2024) and information about sponsorship opportunities is available [here](#).

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4. Register for 2024 Virginia Patient Safety Summit in February

Register now for the **2024 Virginia Patient Safety Summit**, which will be held as a virtual event on Feb. 22, 2024 from 9:30 a.m.-3:45 p.m. Having an innovative mindset in health care is in high demand right now. Health care delivery innovation is necessary to find new ways to improve quality, enhance the patient experience, expand safety initiatives, increase efficiency, and reduce costs. As hospitals and health systems pursue innovative solutions in all aspects of their care delivery and quality and safety improvement efforts, they are making real strides toward what the industry refers to as “quadruple aim” – higher quality of patient care with improved and equitable outcomes, increased value for both the patient and provider, improved patient satisfaction and an improved care provider experience. The 2024 Virginia Patient Safety Summit will highlight the progress being made in that regard in Virginia and across the nation. Keynote speakers for the 2024 Summit include: **Dr. Aditi Mallick**, the Acting Director of the **CMS Office of Minority Health**, and **Bonnie Clipper**, DNP, MA, MBA, RN, CENP, FACHE, FAAN, an internationally recognized nurse futurist and nursing innovation expert. Registration for the 2024 Virginia Patient Safety Summit is free for staff and providers associated with Virginia hospitals and health systems, members of Virginia Patient Safety Summit partner organizations (Medical Society of Virginia, the Virginia Nurses Association, and the Virginia Pharmacists Association), federal and state health partner organizations and event sponsor organizations and students. Others may register for a fee of \$95. Visit this [link](#) for more details and event registration. To register, you may need to reset your password or create a new one (if you do not already have an account). Contact events@vhha.com if you encounter trouble registering an account or creating a new password. – Abraham Segres and Kristie Burnette

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5. COPN Application Fee Increases Approved by Virginia Board of Health

Certificate of Public Need (COPN) application fees are set to increase under a [new fee schedule approved in December](#) by the **Virginia State Board of Health**. COPN application fees were last changed by the **Virginia General Assembly** in 1996. Regulations adopted by the Board call for the COPN application fee to increase from 1 percent to 1.5 percent “of the total capital expenditure” for a project,

an increase in the “minimum and maximum fee caps to \$1,600 (raised from \$1,000) and \$44,000 (up from \$20,000),” and a “\$70 registration fee for certain capital expenditures and medical equipment and services.” This regulatory action follows previous work on promulgation of a COPN fee schedule that proposed a three-fold increase to the maximum fee (up to \$60,000) with no increase to the minimum fee or other adjustments. At the request of VHHA and other stakeholders, those proposed regulations were [withdrawn](#) in 2022 pending further work to develop a revised proposal addressing concerns about the initial version proffered. The current proposed fee schedule, which seeks to smooth over fee increases across all applicants, is now pending Executive Branch review prior to publication on the Virginia Regulatory Town Hall website for a public comment period. The regulations will be effective 15 days following the conclusion of the public comment period. – Brent Rawlings

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6. VHHA *Patients Come First* Podcast Features Riverside Surgical Oncologist, Physician Leader

The latest episode of VHHA’s *Patients Come First* podcast features an interview with **Dr. Aaron Chevinsky**, a surgical oncologist and Director of the oncology service line for the **Riverside Cancer Care Network**. He joins us for a conversation about cancer and cancer care, how artificial intelligence technology advances are supporting cancer detection, and more. Listen to the episode [here](#) and hear past episodes through this [link](#). Podcast episodes are also available through these podcast apps and networks: [Apple Podcast](#), [Amazon Music](#), [Spotify](#), [Pandora](#), [Google Podcasts](#), [Stitcher](#), [TuneIn](#), [SoundCloud](#), [Blubrry](#), [iHeart Radio](#), [Deezer](#), [Podbay](#), [Overcast](#), [Pocket Casts](#), the [Virginia Audio Collective](#), the [Public Health Podcast Network](#), the [World Podcast Network](#), and the [Family Podcast Network](#). The podcast can also be heard on the radio airwaves – episodes air each Saturday at noon and Sunday at 10 a.m. on 100.5 FM, 107.7 FM, 92.7 FM, and 820 AM across Central Virginia and 1650 AM in Hampton Roads, and Wednesdays at 1 p.m. on 93.9 FM in Richmond. Send questions, comments, feedback, or guest suggestions to pcfpodcast@vhha.com. – Salinna Lor

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7. HHS, Federal Agencies to Reopen Comment Period on Proposed Rule About Insurance Disclosures

HHS and the **U.S. Departments of Labor** and **Treasury**, along with the Office of Personnel Management, recently announced a plan to reopen the period for submitting comments on a proposed rule for new requirements relating to the disclosure of information that group health plans and health insurance issuers offering group or individual health insurance coverage must include. The proposed rule also addresses initial payments or notices of denial of payment for certain items and services subject to the surprise billing protections in the No Surprises Act. The departments intend to publish a notice in the Federal Register with further details on [reopening the comment period](#) for Federal Independent Dispute Resolution (IDR) Operations.

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8. FDA Alerts Public, Providers About Infant Formula Recall

The **U.S. Food and Drug Administration** (FDA) is alerting parents, caregivers, and health care providers that Reckitt/Mead Johnson Nutrition has [voluntarily recalled certain Nutramigen Hypoallergenic Infant Formula Powder](#) products due to possible *Cronobacter sakazakii* contamination. No illnesses have been reported to date in connection with this recall, and it is likely most of the product that was distributed in the U.S. has already been consumed. Consumers who have Nutramigen Hypoallergenic Infant Formula

Powder with batch codes below should stop using it and throw it away or contact Reckitt/Mead Johnson Nutrition for a refund: ZL3FHG (12.6 oz cans), ZL3FMH (12.6 oz cans), ZL3FPE (12.6 oz cans), ZL3FQD (12.6 oz cans), ZL3FRW (19.8 oz cans), or ZL3FXJ (12.6 oz cans). The products have a UPC Code of 300871239418 or 300871239456 and “Use By Date” of Jan. 1, 2025. Read more [here](#).

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9. VDH to Host Several Sessions on Mpox Training for Providers in Early 2024

The **Virginia Department of Health** (VDH) is hosting a series of educational training sessions for health care providers regarding updated information and lessons learned from the 2022-2023 Mpox outbreak. The sessions will highlight the epidemiology of the outbreak and the risk of reemergence, prevention and control strategies, and vaccination and communication strategies. Four sessions are scheduled, and each will be held from 8:30 a.m.-12:30 p.m. on the following dates and locations: Fairfax VDOT on Jan. 23, Double Tree Hotel Charlottesville on Jan. 31, Wytheville Community College on Feb. 8, and the Hyatt Place Chesapeake on Feb. 14. Information about continuing education credit available to participants can be viewed online [here](#). Registration is required through this [link](#).

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10. Around the State

Dr. Arun Sanyal, Director of the Stravitz-Sanyal Institute for Liver Disease and Metabolic Health at **VCU Health** and a professor in the **VCU School of Medicine**, has been named to the “24 to Watch in 2024” list published by the *Richmond Times-Dispatch*. Read more [here](#).

Twin County Regional Healthcare (TCRH), a **Lifepoint Health** facility, has named **Dr. Christy Medeus** the recipient of the 2023 Physician of the Year award, which honors members of the medical staff for their hard work and dedication. Hospital employees nominate physicians who exemplify the hospital’s five core values: champion patient care, do the right thing, embrace individuality, act with kindness, make a difference together. Dr. Medeus serves as the medical director of the hospitalist program at Twin County Regional Healthcare where she collaborates with administration and interdisciplinary groups to improve the quality of care, she supervises medical practitioners who provide direct patient care, and she manages patient care including diagnosis and treatment. She earned her medical degree at the West Virginia School of Osteopathic Medicine and is pursuing a Master of Science degree in Global Health from the Johns Hopkins Bloomberg School of Public Health. – Salinna Lor

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