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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 Executive Committee of the **VHHA Board of Directors** met this week for a discussion of issues of importance to hospitals and health system providers during the **Virginia General Assembly 2024** legislative session.
- The **Virginia Department of Medical Assistance Services (DMAS)** has notified health care providers and managed care organizations (MCO) that as of Jan. 1 the agency is implementing 12-month continuous eligibility for children younger than 19 in Medicaid and Family Access to Medical Insurance Security (FAMIS), in accordance with federal mandate that requires states to provide 12 months of continuous eligibility for children under age 19 in Medicaid and the Children's Health Insurance Program (CHIP) (called FAMIS in Virginia), with limited exceptions. Continuous eligibility means the child remains enrolled for a protected 12-month period, during which their coverage cannot be reduced or terminated regardless of changes in circumstance. Read more [here](#).
- 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 At the request of VHHA and other stakeholders, those proposed regulations were [withdrawn](#) in 2022 pending further work to develop a revised proposal addressing concerns about the initial version proffered.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.

- 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.
- The **U.S. Food and Drug Administration (FDA)** has alerted 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](#).
- 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](#).

- 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 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 [WFXR](#), the [Southwest Virginia Sun](#), and the [Virginia Star](#).

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2. 2024 Virginia General Assembly Session Gets Underway

The 2024 **Virginia General Assembly** legislative session commenced this week (Wednesday, Jan. 10). As is custom, the proceedings began with a prayer breakfast on the first morning of the session and the day concluded with the annual "State of the Commonwealth" speech delivered by **Virginia Governor Glenn Youngkin**. This session, **Delegate Don Scott** (D-Portsmouth) makes history in Virginia as the first African American individual to serve as Speaker of the **House of Delegates**. On key committees of interest to VHHA members, **Delegate Mark Sickles** (D-Fairfax County) will serve as Chair of the House Health and Human Services Committee, **Senator Ghazala Hashmi** (D-Chesterfield County) is Chair of the Senate Education and Health Committee, **Delegate Luke Torian** (D-Prince William County) will serve as Chair of the House Appropriations Committee, and **Senator Louise Lucas** (D-Portsmouth) is Chair of the Senate Finance and Appropriations Committee. Those committees are the venue for health care-related legislation and the state budget, respectively. 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, Governor 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. – Julie Dime

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3. 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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4. VHHA Issues 2024 Annual Report on Community Benefit

Virginia hospitals and health systems provided \$3.3 billion in community support to the Commonwealth in 2022 and generated more than \$64 billion in positive economic activity across the state, according to the newly released [2024 Annual Report on Community Benefit](#) from the Virginia Hospital & Healthcare Association (VHHA). Hospitals are available 24/7/365 to provide emergent and acute medical treatment and care to people in need. Virginia hospitals serve as essential providers of health care services and economic anchors for communities throughout the Commonwealth. Among other items, that includes:

- \$1.2 billion in government payment shortfalls due to the difference between Medicare reimbursements and the actual cost of care;
- \$358 million in charity care, which includes the cost of free and discounted care to serve individuals who cannot afford to pay for care;
- \$228 million for means-tested programs and subsidized health services, and \$354 million in bad debt for services not paid in full by a patient or third-party payer;
- \$573 million to cover the state share of Medicaid expansion costs enabling hundreds of thousands of Virginians to gain health care coverage; and
- \$201 million in community health investments.

The data shows that hospitals provided more than \$3.3 billion in community support in the form of uncompensated care, community investments, taxes, and more. Virginia hospitals also directly employ more than 124,400 people in good jobs, accounting for \$12.7 billion in wages and benefits, and hospitals' presence support 337,000 additional skilled jobs in the state. Virginia hospitals in 2022 made those abundant contributions while also handling the vast majority (91.8 percent) of total state voluntary and involuntary behavioral health inpatient hospital admissions, accommodating 3.3 million emergency department visits, accepting more than 741,200 inpatient admissions (accounting for 4.3 million patient days), delivering more than 88,000 babies. See an interactive Community Benefit tool [here](#) and read the full report [here](#). – David Vaamonde, Jay Andrews, Julian Walker

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5. FDA Advises Health Care Providers Against Using a Particular Hip Replacement System

The FDA is advising health care providers not to “purchase or implant the currently available Synovo Total Hip System” manufactured by Synovo Production, Inc. (Synovo) because three system components – the Femoral Resurfacing Cup, the Acetabular Fixation Cup, and the Acetabular Bearing – have been significantly modified from the devices that were previously cleared by the FDA. The agency also advised providers to remove the system and the components used from the system from their inventory. At this point, the FDA has not recommended removing the Synovo Total Hip Systems from patients who do not have any new or worsening pain or symptoms. Providers are advised to “be aware that safety and effectiveness have not been established for the Femoral Resurfacing Cup, the Acetabular Fixation Cup, and the Acetabular Bearing used in the Synovo Total Hip System” and to “monitor patients who have the Synovo Total Hip System, including resurfacing implants, for potential bone loss or device loosening, wear or failure.” This may include patient imaging to evaluate an implanted device if a provider suspects device failure. Providers are encouraged to discuss a range of available treatment options for patients considering hip replacement. The Synovo Total Hip System is also referred to as the Total Hip Replacement System, and also as Synovo Preserve and Endotec BP. Read more [here](#).

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6. VHHA *Patients Come First* Podcast Features Fauquier Health Surgeon Specializing in GERD

The latest episode of VHHA's *Patients Come First* podcast features an interview with **Dr. Olga Mazur**, a general surgeon at **Fauquier Health** who specializes in the surgical management of gastroesophageal reflux disease (GERD). She joins us for a conversation about her background, treatment options for severe heartburn, 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. – Julian Walker

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7. 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](#) and information about sponsorship opportunities is available [here](#).

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8. CMS, CDC, HHS Issue Final Rule Updates Clinical Lab Fees, Clarifies Regulations

HHS, CMS, and the **Centers for Disease Control and Prevention** (CDC) have issued a final rule updating Clinical Laboratory Improvement Amendments (CLIA) fees and clarifying CLIA regulations. The final rule implements a biennial two-part increase of CLIA fees, and it finalizes the incorporation of limited/specific laboratory fees, including fees for follow-up surveys, substantiated complaint surveys, and revised certificates. The rule also finalizing the distribution of the administrative overhead costs of test complexity determination for waived tests and test systems with a nominal increase in Certificate of Waiver (CoW) fees. And it finalizes the clarification of the methodology used to determine program compliance fees. 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

Megan Perry, Senior Corporate Vice President and Chief Strategy Officer for **Sentara Health**, has been named to the [list](#) of 65 health system chief strategy officers to know by *Becker's Hospital Review*.

Several members of the **Carilion Clinic** team have been named to the [40 Under 40 Class of 2024](#) by *The Roanoker* magazine including Community Health Education Manager [Rachel Burks](#), Genetic Counselor [Hailey Feldman](#), [Dr. Joashua Gazo](#) of **Carilion Roanoke Memorial Hospital**, and Program Director for the **Children's Miracle Network-Carilion Clinic Foundation** [Macy Ware](#). – Salinna Lor

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