President's Perspective – Another Unfortunate Hurdle for Medicaid Expansion

Last week, the 2020 session of the Kansas Legislature hit a major snag. This week, I wanted to reflect on what happened, how Medicaid expansion got drawn into the fray and what it says about the prospects for adoption of this important issue this session.

First, let's look at what actually happened. In response to a Kansas Supreme Court decision last year, a state constitutional amendment was introduced declaring that the Kansas State Constitution does not include the right to an abortion. From a substantive point of view, supporters say it will guarantee lawmakers the ability to regulate abortion, while opponents contend it would allow the legislature to completely ban the procedure if superseding federal rights ever end.

But the process involved here also is important. The amendment is currently written to be placed on the August primary ballot. Many supporters of the amendment want this because they say voters can then focus more on this particular issue. Numerous other legislators objected, saying they could support an amendment if it was placed on the November general election ballot, when the largest number of Kansans possible would vote on it. In the end, the constitutional amendment fell 4 votes short in the House, raising the possibility that placing the amendment on the November general election ballot could secure its approval.

Kansas Senate President Susan Wagle was quick to respond, immediately pulling 13 bills from the Senate floor that could have been amended to include Medicaid expansion. In addition, the Senate Public Health Committee, which was scheduled to take action on the compromise expansion bill, decided to delay any action and asked supporters of the constitutional amendment to testify instead. Groups like Kansans for Life, and the Catholic Conference of Kansas, who are now working against Medicaid expansion, argued that state funds will somehow be forced to pay for abortions, despite federal prohibitions.

Sen. Wagle has been roundly criticized for her actions, which have been called anywhere from "childish" to "partisan showboating." Indeed, Senate Majority Leader Jim Denning said they were "obstructive and not how we should be governing."

My guess is that Medicaid expansion supporters across the state of Kansas have widely differing views on the issue of abortion and the appropriateness of the Kansas Supreme Court decision at the heart of this discussion. I'm pretty certain those supporters, no matter what their view on abortion, have never viewed these two issues as linked and, in fact, have preferred to not be dragged into the abortion debate.
Unfortunately, that is exactly what has happened. Expansion is now being held hostage because the aforementioned constitutional amendment has not passed. This is happening even though these are two separate and distinct issues. It is happening even though the argument that state funds for Medicaid expansion will be eaten up to pay for abortions is at best a colossal stretch. And it is happening even though Sen. Wagle will never support Medicaid expansion, no matter what happens with the constitutional amendment.

I agree with Sen. Denning—this is not what good government looks like.

--Tom Bell

**Last Chance to Apply for the Healthy Kansas Hospitals Centers of Excellence Award**

Has your hospital made changes to the facility's nutrition, health and/or wellness policy through formal policy change? The Kansas Hospital Association wants to reward you for the positive changes that have been made in your facility. If you have not done so previously, please submit your formal policy to Hayley Finch-Genschorck.

Healthy Kansas Hospitals Centers of Excellence Award recognizes outstanding and innovative hospitals who have made formal changes (through a policy) as part of participation in Healthy Kansas Hospitals. Nominations need to be submitted online and will be reviewed for the following criteria:

- Impact
- Innovation
- Leadership
- Partnership
- Sustainability

Nominations will be accepted until 11:59 p.m. on **Friday, Feb. 14**. You will receive an email confirmation that KHA has received your nomination. If you do not receive a confirmation by Monday, Feb. 17, please contact KHA at (785) 233-7436.

Please fill out the [nomination form](mailto:) and submit it by Friday, Feb. 14. For additional information, please direct questions to Melissa Willey at (785) 233-7436.

--Hayley Finch-Genschorck

**KHA Membership Directory Updates Requested by Feb. 28 – Advertising Opportunities Available**

The *Kansas Hospital Association Membership Directory* is an indispensable tool for our members. We strive to assist our members in communicating with peers. We need your help to ensure that information is current.

Last week, all KHA members were sent a draft of their current data as it appears in the KHA online and print directories. We ask that you edit this document, providing us with names, titles and email addresses of your executive staff. As a reminder, the online and print directories are only available to KHA members.

Please return the requested information, noting any edits, additions or deletions you wish made, by Friday, Feb. 28, to the attention of Jan Fenwick, (KHA, 215 SE 8th Ave., Topeka, KS, 66603; email jfenwick@kha-net.org; or fax: (785) 233-6955).
In addition, our publishing partner for the directory, **E&MConsulting**, is wrapping up their advertising campaign for the KHA Membership Directory. In the next few weeks, they will be contacting our members with advertising opportunities. They are very professional and produce a high quality directory. If you have an interest in advertising or have questions, please contact **Brian** at E&M Consulting, Inc., at (800) 572-0011 or (785) 379-6575.

As always, your support of the Kansas Hospital Association is greatly appreciated!

--**Jan Fenwick**

**340B Webinar Series 2020**
The Kansas Hospital Association and Kansas Health Service Corporation, along with SUNRx, are pleased to announce a three-part webinar series covering various topics of the 340B Prescription Drug Program. These will be:

- Regulatory Update – Snapshot of Regulatory Activity: from 1 to 2 p.m. on Tuesday, March 10
- 340B Innovation Targeting the Uninsured: 1 p.m. on Tuesday, June 9
- 340B Innovation with Contract Pharmacy: 1 p.m. on Tuesday, Sept. 8

Details about the March 10 event follow. We encourage you to join us for these educational events.

**340B Regulatory Update – Past, Present, and Future**
The federal government's 340B Drug Pricing Program is designed to deliver significant drug price savings to eligible health care organizations and their patients. Special guest speaker Jeff Davis of Baker Donelson will present regulatory and compliance insights for safety net hospitals to consider when managing their 340B programs. Information presented will empower hospitals and federally qualified health centers to position their entity for the changes currently being explored in the 340B marketplace.

**Speaker:** Jeff Davis is counsel in Baker Donelson's Washington, DC office. He is a senior advisor in the firm's Government Relations and Public Policy group. He assists hospitals, pharmacies, other health care providers and vendors on issues related to the federal 340B drug pricing program including enrollment; contracting; audits; compliance with 340B, Medicare, and Medicaid requirements; and self-disclosures. Prior to joining the firm, Davis served as vice president and legislative and policy counsel for 340B Health, a nonprofit organization of more than 1,300 hospitals and health systems participating in the 340B drug pricing program.

--**Steve Poage**

**Recognize Your Trustees on Feb 27-28**
The Kansas Hospital Association’s **Trustee Recognition and Accountability Program** annually recognizes trustees at the Critical Issues Summit for the standards of excellence they uphold, governance best practices they adhere to, and the education in which they have invested. We encourage you to complete a Trustee Accountability and Recognition Program form to recognize the trustees in your hospital that:
• Understand and embrace the need for governance accountability;
• Govern according to a standard of excellence;
• Are willing to formally recognize their adherence to governance best practices;
• Embrace community accountability; and
• Structure their community benefit and outreach programs to meet identified community needs.

Completed forms must be returned to the attention of Cindy Samuelson, KHA, by Feb. 21. Email csamuelson@kha-net.org or fax forms to (785) 233-6955.

--Cindy Samuelson

Register Now for the 2020 Critical Issues Summit

Register now and plan to attend the Critical Issues Summit, Feb. 27-28, at the Wichita Marriott. The Critical Issues Summit, hosted by the Kansas Hospital Association, brings together hospital leadership and trustees from across the state and promotes the importance of good governance practices. This event provides top-notch speakers, educational sessions and discussions on the most critical topics facing hospitals today.

Session topics will include the following:

• The Challenges of Hospital Finance
• The Board's Role in Improving Health Care Quality and Safety
• The Age of Consumerism: Seeing Health Care through Outsider's Eyes
• Strategic Planning in Uncertain Times
• Panel Discussion: The Future of Rural Kansas

Please contact the KHA Education Department (785) 233-7436, if you have any questions.

--Hayley Finch-Genschorck

Register Today for the Infection Prevention Conference – March 5-6

The 2020 Infection Prevention Conference will prepare infection preventionists by providing resources for assessing, reporting and providing stewardship in the realm of infection prevention in multiple settings. The course is designed for experienced professionals, as well as those new to the specialty.

This seminar will be at the DoubleTree by Hilton Wichita Airport. Please contact the KHA Education Department at (785) 233-7436, if you have any questions.

--Hayley Finch-Genschorck
Federal Focus

TJC Releases Specifications Manual Version 2020B
Now available on The Joint Commission website is version 2020B of the Specifications Manual for Joint Commission National Quality Measures. Changes made to the manual are outlined in the release notes and include the following:

- Removal of retired perinatal care measures PC-03 and PC-04, references to ORYX vendors, patient-level data for chart-based measures, and data transmission
- Measure updates
- Multiple data element updates to Notes for Abstraction, Inclusions and Exclusions

Kaiser Family Foundation Summarizes Congressional Maternal Health Legislation
The Kaiser Family Foundation published a comparison of pending congressional proposals regarding maternal health.

AHA Issues Guidance on USP Guidelines
The American Hospital Association issued guidance Feb. 7 on new standards published by the United States Pharmacopeia. Specifically, USP <797> Pharmaceutical Compounding of Sterile Products and USP <800> Hazardous Drugs — Handling in Healthcare Settings have been published in their final version but are pending final release due to appeals. The USP is not a regulatory body. Regulations regarding the practice of pharmacy are under the purview of the Kansas Board of Pharmacy (KBOP). The KBOP created a compounding task force last year to address this issue and are meeting to determine any regulatory changes based on the USP guidance. Additionally, the Kansas Hospital Association is partnering with the Kansas Pharmacists Association to survey pharmacists on behalf of the KBOP to understand the current state of compounding in Kansas and any impact that the USP guidance would have.

The implementation of the standards will be complex and potentially costly. The Centers for Medicare & Medicaid Services has begun to prepare for the new standards by revising the Conditions of Participation for Hospitals and Critical Access Hospitals. In a December guidance document, CMS announced the removal of specific USP <797> references, replacing it with broader language to reflect the incorporation of nationally accepted standards.

HRSA Announces Rural Communities Opioid Response Funding Opportunity
The Health Resources and Services Administration is accepting applications for the fiscal year 2020 Rural Communities Opioid Response Program-Implementation. HRSA plans to award approximately 89 grants to rural communities as part of this funding opportunity. Recipients will receive $1 million for a three-year period of performance to enhance and expand substance use disorder — including opioid use disorder — service delivery in high-risk rural communities. Award recipients will implement a set of core SUD/OUD prevention, treatment and recovery activities that align with the U.S. Department of Health and Human Services’ Five-Point Strategy to Combat the Opioid Crisis. The application deadline is Friday, April 24.

CMS Announces Preview Period for April 2020 Hospital Compare Data
The preview period for hospitals to review April 2020 Hospital Compare data ends Tuesday, March 10. The preview period is applicable for hospitals and facilities participating in the following programs.
CMS Issues Proposed Medicare Advantage and Part D Rule
The Centers for Medicare & Medicaid Services issued a proposed rule for contract year 2021 and 2022, as well as the 2021 Advance Notice Part II to "further advance the agency's efforts to strengthen and modernize the Medicare Advantage and Part D prescription drug programs." The rule is expected to increase plan revenue by 0.93 percent. The rule also requires Part D plans to offer real-time drug price comparison tools beginning Jan. 1, 2022. Other proposals include revising current Medicare Advantage telehealth benefits, enhancing the MA and Part D Star Ratings, and implementing several provisions of the SUPPORT Act.

MLN Connects Provider eNews Available
Updates to MLN Connects Provider eNews were issued by the Centers for Medicare & Medicaid Services. eNews includes information about national provider calls, meetings, events, announcements and other MLN educational product updates. The latest issue provides updates and summaries of the following:

- Skilled Nursing Facility Quality Reporting Program: Fiscal year 2022 Annual Payment Update table
- Quality Payment Program
  - Updated explore measures tool
  - Merit-based Incentive Payment System 2020 call for measures and activities
- Medicare Promoting Interoperability Program
  - Deadline to submit 2019 data is Monday, March 2
  - Requirements for 2020
- Open payments registration

CDC-NCHS Release Updated Maternal Mortality Statistics
For the first time since 2007, the National Center for Health Statistics released new data on how many women die either during pregnancy or soon after giving birth. The new data present a much more accurate picture of what is happening in the U.S., along with the ability to compare rates nationally and globally. The data also allow officials and researchers to track the results of health care interventions to improve maternal care. The report states that, ultimately, a redesign of maternity care in the U.S. will be essential to protect pregnant and postpartum women, and to provide the care and resources necessary for them and their families to thrive. Heart disease and stroke caused more than one in three pregnancy-related deaths between 2011 and 2015 in the U.S., according to the CDC.
DEA Promotes MAT Efficacy Treating Opioid Use Disorder
The Drug Enforcement Administration is working to expand access to medication-assisted treatment for individuals with opioid use disorder. Partnering with the American Medical Association Alliance to produce two informative videos – The Partnership: Law Enforcement and the Medical Community and The Advantages of Becoming a DATA-Waived Physician – the DEA hopes to dispel the notion that the DEA does not support MAT for OUD and to prevent deaths due to opioids.