

K&L GATES

**TRIAGE**: RAPID LEGAL LESSONS FOR BUSY  
HEALTH CARE PROFESSIONALS



**Triage in 2018:**  
Health Care Topics to  
Watch in the New Year

Mary Beth Johnston

# 2017 TRIAGE RECAP

- 27 attorneys published 42 episodes
- Topics included:
  - Hospital Outpatient Prospective Payment System (OPPS)
  - Medicare Access and CHIP Reauthorization Act of 2015 (MACRA)
  - The Medicare 60-Day Overpayment Rule
  - 340B Drug Pricing Program
  - Federal Policy for the Protection of Human Subjects (the “Common Rule”)
  - Patient Protection and Affordable Care Act (ACA)
  - Various other topics from other K&L Gates practice groups

## 2018 PAYMENT & REIMBURSEMENT

- MACRA & MIPS Implementation
- Bundled Payment Programs & Pilot Programs for Value-Based Care Models
- Provider Claims against Out-of-Network Insurance Companies and Health Plans
- Claim Denials for Experimental or Investigational Exclusions

# 2018 FRAUD & ABUSE

- False Claims Act litigation, specifically lower court interpretation of the “materiality” standard set by the U.S. Supreme Court in *Universal Health Services v. United States ex rel. Escobar*
- OIG Investigation and Audit priorities related to opioid prescribing to Medicaid beneficiaries, telemedicine claims for Medicaid beneficiaries, and severe malnutrition claims paid by Medicare
- The continued pressure on Providers to comply with the “reasonable diligence” and timeliness requirements of the Medicare 60-Day Overpayment Rule
- The tension of applying traditional AKS & Stark requirements in physician compensation models during the market shift to Pay for Performance

## 2018 340B DRUG PROGRAM & PHARMACY

- Legislative and/or regulatory changes to the 340B Drug Pricing Program, specifically including the recent reimbursement cut
- Targeted efforts to reduce drug prices across the market by legislative and/or regulatory changes affecting pharmaceutical manufacturers, pharmacy benefit managers, and pharmacies

## 2018 HIPAA & DATA PRIVACY

- Reports of new health information breaches reported to OCR and caused by hacking or IT incidents
- Results of settlements with OCR for past security breaches
- Efforts to address the interoperability of health information that are consistent with the 21st Century Cures Act

## Today's Presenter



**Mary Beth Johnston**

Research Triangle Park

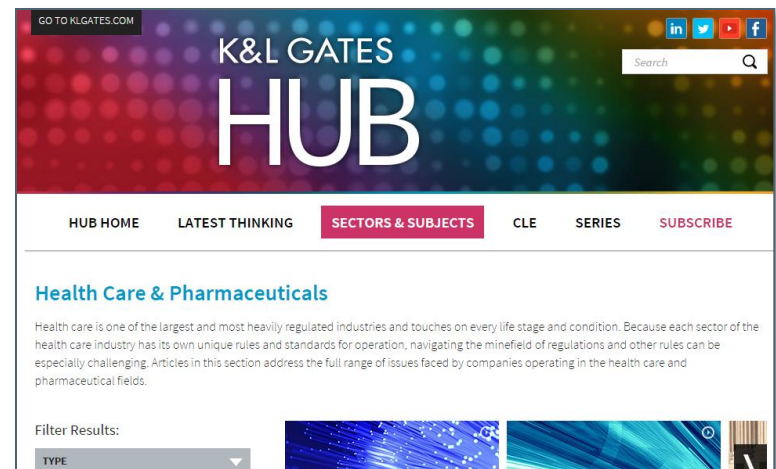
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If you have feedback or a topic you want us to analyze in a future episode, [please let us know](#).

For more information on our Health Care Practice Group please visit our [website](#).

For additional insights into Health Care Law please visit [K&L Gates HUB](#).



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