

Preparing for Health Care Reform Georgia Society of Clinical Oncology Spring Meeting

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Overview

- ❖ Patient Protection and Affordable Care Act (PPACA)
Sunshine Act
- ❖ Status of Challenges to PPACA

The Patient Protection and Affordable Care Act and the Healthcare Education Reconciliation Act of 2010 (PPACA)

- ❖ Signed into law by President Barak Obama on March 23, 2010
- ❖ PPACA impacts a variety of laws that apply to health care facilities and providers
- ❖ Many of these changes became effective the day the law was enacted

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PPACA—The Sunshine Act

- ◆ Requires drug and device manufacturers to annually report payments to physicians and teaching hospitals.
- ◆ Manufacturers were going to be required to submit information to the Secretary of HHS beginning March 31, 2013 regarding payments made the preceding calendar year.
- ◆ The Secretary is required to make the information reported by manufacturers publically available in a searchable format by Sept. 30, 2013.

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PPACA—The Sunshine Act

- ◆ On Dec. 14, 2011, CMS issued a proposed rule regarding the implementation of Sunshine Act requirements.
- ◆ Most importantly, CMS postponed the date that manufacturers and suppliers were required to begin collecting data (Jan. 1, 2012).
- ◆ CMS will not require data collection until final regulations are published later in 2012.

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Sunshine Act—Reporting

- ◆ Name of physician or teaching hospital receiving money or anything of value
- ◆ Specialty of physician or teaching hospital
- ◆ Billing number for the physician or teaching hospital
- ◆ The amount of the payment or transfer of value
- ◆ The date of the transfer of value

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Sunshine Act—Reporting

- ◆ Physicians and teaching hospitals will have the opportunity to review and correct information before it is published.
- ◆ CMS is accepting comments on the proposed rules to ensure that it avoids “unintended consequences” of Sunshine Act.

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Sunshine Act—Exclusions

- ◆ Nothing under \$10 unless aggregate of payments are more than \$100
- ◆ Free samples intended for patient use
- ◆ Educational materials that directly benefit patients or are intended for patient use
- ◆ Transfers to a physician solely for services related to a criminal, civil, or administrative proceeding, i.e. consultation on a case or expert testimony

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Sunshine Act—Exclusions (cont.)

- ◆ In-kind items for charity care
- ◆ Items or services provided under contractual warranty
- ◆ Short term device loans for evaluation
- ◆ Transfer of anything of value when the *physician is a patient* and not acting in his/her professional capacity
- ◆ Discounts and rebates

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Insurance Coverage under PPACA

- ◆ No pre-existing condition exclusions for children (temporary national high risk pool created for adults);
- ◆ No rescissions except for fraud;
- ◆ No lifetime value limits;
- ◆ Waiting periods limited to 90 days;
- ◆ Guaranteed issue and renewal; and
- ◆ Strict rating rules.

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Supreme Court hearing PPACA

Court agreed to hear oral arguments March 26th-March 28th

Day1:

- Whether the Anti-Injunction Act bars the lawsuit challenging the Act's individual mandate provision until the individual mandate goes into effect in 2014.

Day2:

- Whether Congress had the power under Article 1 of the Constitution to enact the individual mandate provision

Day3:

- Whether the individual mandate provision is unconstitutional, and whether all of PPACA must be invalidated because the individual mandate provision is not severable from the remainder of the Act.

❖ Final Opinion is expected the end of June 2012

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THANK YOU!!!

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