

CMS Regulations update 11/21/08

Title	CMS File Code	Fed. Reg. Date & Comment Due Date	Docket ID	Document ID:	Actions	Brief Summary of Proposed rule
Final Rule: Medicaid Program; Clarification of Outpatient Hospital Facility (Including Outpatient Hospital Clinic) Services Definition. PDF	CMS-2213-F	11/7/08			Our analysis indicates that 42 CFR 419.20 exempts IHS and Tribal facilities from the OPPS. NIHB will continue to monitor this issue	Changes the Medicaid definition of outpatient hospital services to more closely match the Medicare definition. Interesting New York Times article: New U.S. Rule Pares Outpatient Medicaid Services - NYTimes.com
		Rule will take effect 12/8/08				
Interim Final Rule w/comment period: Medicare Program; Revisions to the Medicare Advantage and Prescription Drug benefit Programs; Clarification of Compensation Plans. PDF CMS Press Release CMS Fact Sheet	CMS-4138-IFC2	11/14/08		CMS_FRDOC_00 01-0182	NIHB feels that it is unnecessary to comment on this regulation as it applies only to sales agents and brokers.	CMS issued revised compensation requirements for sales agents and brokers who sell Medicare Advantage and prescription drug benefit plan options to people with Medicare. The reg. sets forth new limits on compensation that can be paid to agents or brokers with respect to Part “C” and Part “D” plans.
		Effective 11/10/08 Comments due by 5 p.m.12/15/08				
Final Rule: Medicaid Program; Premiums and Cost Sharing. PDF	CMS-2244-F	Will be Published on 11/25/08			NIHB is in the process of analyzing this rule. TTAG comments to the proposed rule, 3/24/08	11/19/08, CMS placed the Medicaid Premiums and Cost Sharing Final Regulation on display at the Office of the Federal Register. This final regulation implements sections 6041 - 6043 of the DRA and section 405(a) of the Tax Relief and Health Care Act (TRHC) of 2006, which provides State Medicaid Agencies with increases flexibility to implement premium and cost sharing requirements for certain Medicaid recipients.
		Effective 60 days after publication: 1/26/09				
Final Report: Medicare Program: Hospital Outpatient Prospective Payment System and CY 2009 Payment Rates; Changes to the Ambulatory Surgical Center Payment System and CY 2009 Payment Rates. NOTE: document is 460 pages of procedures/price charts PDF CMS Fact Sheet CMS item detail	CMS-1404-FC	11/18/08		CMS_FRDOC_00 01-0183	Our analysis indicates that 42 CFR 419.20 exempts IHS and Tribal facilities from the OPPS. Therefore, comments should not be necessary, but NIHB will continue to monitor this issue.	This updates payment policies and rates for both hospital outpatient departments (HOPDs) and ambulatory surgical centers (ASCs) for calendar year (CY) 2009. The update to ASC rates constitutes the second year of a four-year transition to align these rates with those paid to HOPDs for similar services. The transition is intended to minimize the impact for ASCs under the revised payment system
Comments due: 12/29/08 Effective: 1/1/09						

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<p>Final rule with comment period: Medicare Program; Payment Policies Under the Physician Fee Schedule and Other Revisions to Part B for CY 2009; E-Prescribing Exemption for Computer-Generated Facsimile Transmissions; and Payment for Certain Durable Medical Equipment, Prosthetics, Orthotics, and Supplies (DMEPOS). NOTE; this document has 513 pages. PDF CMS Fact Sheet CMS item detail</p>	<p>CMS-1403-FC</p>	<p>11/19/08</p> <hr/> <p>Comments Due: 12/29/08</p> <p>Effective date: 1/1/09</p>	<p>CMS-2008-0073</p>	<p>CMS-2008-0073-1152</p>	<p>NIHB is in the process of analyzing this rule.</p>	<p>. This final rule implements changes to the physician fee schedule and other Medicare Part B payment policies to ensure that CMS's payment systems are updated to reflect changes in medical practice and the relative value of services. It also finalizes the calendar year (CY) 2008 interim relative value units (RVUs) and issues interim RVUs for new and revised codes for CY 2009. In addition, as required by the statute, it announces that the physician fee schedule update is 1.1 percent for CY 2009</p>
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