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Thursday, Nov. 4, 2021

Today's headlines:

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- [Federal district judge issues ruling in Eli Lilly 340B contract pharmacy case](#)
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CMS issues CY2022 OPPS final rule

The Centers for Medicare & Medicaid Services (CMS) late Tuesday issued a [final rule](#) that increases Medicare hospital outpatient prospective payment system rates by a net 2.0% in calendar year 2022 compared to 2021.

In addition, CMS finalized its proposals to reverse two policies finalized in CY 2021. The first policy halts the elimination of the inpatient only (IPO) list and adds back to the IPO list almost all of the services removed in 2021. The second reinstates several patient safety criteria for adding a procedure to the ambulatory surgical center-covered procedures list that were in place in CY 2020 and prior.

Further, for certain hospitals that participate in the 340B Drug Pricing Program, CMS maintains the payment rate of average sales price minus 22.5% for separately payable drugs or biologicals.

CMS also finalized, as proposed, a number of modifications to the hospital price transparency rule, including significant increases to the civil monetary penalty (CMP) for noncompliance. Currently, the CMP is set at a maximum amount of \$300/day. CMS will scale up the CMP based on a hospital's bed count, with a minimum of \$300/day for small hospitals (30 or fewer beds) and an additional \$10/bed/day for larger hospitals with a daily cap of \$5,500.

CMS also will prohibit specific barriers to accessing the machine-readable files, including through automated searches and direct downloads. CMS provides updated clarifications on the price estimator tools for those hospitals that choose to use them to fulfill the shoppable service requirement, including allowing patients to manually input their insurance information and permitting broad disclaimers, as appropriate.

The rule is effective Jan. 1, 2022.

Register for Medicaid virtual town hall meetings

Iowa Medicaid members and health care providers can participate in three virtual town hall meetings where Iowa Medicaid and the Iowa Department of Human Services will address questions or concerns.

The town hall meetings are scheduled for:

- **Wednesday, Nov. 17**
 - 4-5 p.m. – Providers
 - 5-6 p.m. – Members
- **Thursday, Dec. 16**
 - 4-5 p.m. – Providers
 - 5-6 p.m. – Members
- **Thursday, Jan. 27, 2022**
 - 4-5 p.m. – Providers
 - 5-6 p.m. – Members

Providers interested in attending any session can register [HERE](#). Login credentials for the virtual meeting will be emailed the day of the event and posted on the Iowa Department of Human Services website.

Click [HERE](#) to read more.

Contact the Iowa Medicaid Enterprise at 800-338-7909 or imeproviderservices@dhs.state.ia.us with questions.

Thank you to the 2021 Iowa Hospital Heroes

IHA and Iowa hospitals are grateful to our hospital staff who ensure Iowa's hospitals provide quality care day in and day out. Eleven heroes were recognized at IHA's 2021 Virtual Annual Meeting, and each will be highlighted in IHA Today. This issue features Robin Essman from [Guttenberg Municipal Hospital and Clinics](#) in Guttenberg. Thank you to all the 2021 heroes and hospital staff for your work and compassion.

If you have someone you want to nominate as a hospital hero, take note for next year's recognition at the 2022 IHA Annual Meeting, Oct. 4-6. Click [HERE](#) to submit nominations by Friday, April 29, 2022. Email [Craig Borchard](#) at IHA with questions.

Robin Esmann

Director of Performance Excellence
Guttenberg Municipal Hospital and Clinics, Guttenberg

Robin took responsibility for spearheading the COVID-19 vaccination process in the community. She worked closely with county and state officials to procure an appropriate supply of vaccine. Robin also secured a site for the vaccination clinic that was close to the hospital. After establishing a call-in hotline, Robin and several volunteers began contacting thousands of people to make appointments. In addition, Robin took a clinic on the road to reach local manufacturing firms interested in vaccinations for their employees.





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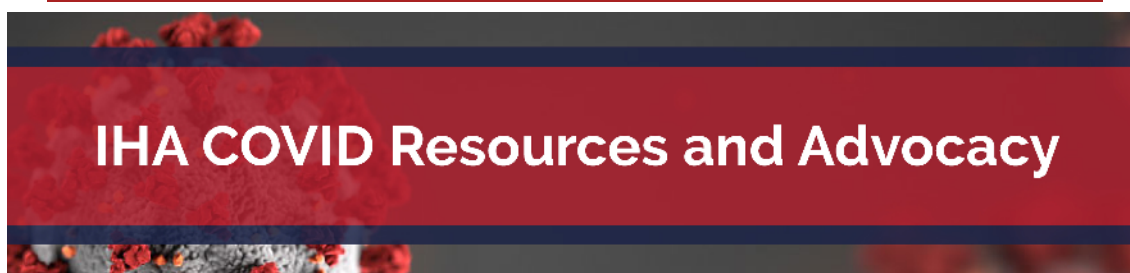
GMHC
Guttenberg Municipal
Hospital & Clinics
an affiliate of MERCY ONE

Federal district judge issues ruling in Eli Lilly 340B contract pharmacy case

On Friday, a federal district court judge in Indiana agreed with the government's contention that the [340B statute](#) would permit the Department of Health and Human Services to require drug company Eli Lilly to offer 340B discounts for drugs distributed by hospitals through community pharmacies. The judge found this was the best reading of the what the 340B statute requires.

But the judge also found HHS failed to explain the agency's shifting views about its enforcement authority. The judge found HHS' decision to enforce the requirement currently against Lilly was arbitrary and capricious. The court remanded the case back to HHS for a more fulsome explanation of its current decision related to Lilly.

Given the court's finding that HHS' May 17 letter to Lilly not only was consistent with the statute but also represented the best reading of the statute, it is believed HHS is free to reissue the letter finding Lilly in violation of the 340B statute. But the letter must offer a careful explanation of why its decision differs from its previous statements about enforcement. The court's [decision](#) only applies to the government's enforcement action related to Lilly. It does not affect efforts related to HHS' enforcement decision for other drug companies that also challenged the agency's efforts to enforce the obligations to provide the discount to hospitals using community pharmacies.



Pfizer pediatric COVID-19 vaccine approved for emergency use

Late Tuesday afternoon, Centers for Disease Control and Prevention director Rochelle Walensky, M.D., M.P.H., endorsed the CDC Advisory Committee on Immunization Practices' recommendation that children 5-11 be vaccinated against COVID-19 with the Pfizer-BioNTech pediatric vaccine.

In Iowa, there are about 284,000 children in the 5-11 age group. State health officials said they expected as many as 99,000 doses for children this week. The Iowa Department of Public Health said providers can start administering the pediatric Pfizer vaccine to children when the vaccine shipments have been received.

Dosing recommendations

Per CDC guidelines, children 5 and older should receive a two-dose primary vaccination series despite a history of symptomatic or asymptomatic COVID-19 infection. COVID-19 vaccine doses are based on the child's age the day of the vaccine.

Click [HERE](#) to read the CDC statement.

Click [HERE](#) for information about vaccine formulation recommendations.

NewsStand

Iowa news

- [I'm a physician. My wife and I had breakthrough COVID-19 cases. Vaccination saved her life.](#)
- [Hospitals delay employee vaccination deadlines in wake of Iowa mandate law](#)
- [Doctors warn pandemic could indirectly cause lung-cancer spike](#)

National news

- [Suicide rates declined again in 2020, but not for all groups](#)
- [White House moves forward with vaccination mandates](#)
- [COVID-19 vaccines for children are here. So is misinformation.](#)

Click [HERE](#) to read daily NewsStand postings.

Upcoming events

- [2021 Iowa Department of Inspections and Appeals Physical Environment Update](#) Nov. 9.
- [Governance Webinar Series](#): Tuesday, Nov. 16
- [IHA Leadership Development Program](#): Tuesday, Nov. 16, 2021 - Wednesday, April 6, 2022
- [Can't Pour From an Empty Cup: The Crisis in Nursing and Pandemic Care](#): Tuesday, Nov. 30

Hospital jobs site connects hospitals with qualified candidates

Are you looking for qualified health care professionals for your Iowa hospital? [HospitalCareers.com](#) can help. This website connects thousands of nurses, providers and other hospital jobseekers with Iowa hospitals each year and is a main resource for jobseekers looking for work in health care.



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100 EAST GRAND, SUITE 100, DES MOINES, IA 50309-1835 | P 515.288.1955 F 515.283.9366 |
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