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September 22, 2020

Welcome to America's Physician Groups' "Healthcare on the Hill," where you can get the latest on healthcare happenings in our nation's capital--and with a special focus on the value-based care movement.

As our nation--and the world--continues to face the many challenges presented by COVID-19, we are working to ensure you have the very latest information on the virus and our rapidly changing healthcare landscape.

Think someone else may enjoy "Healthcare on the Hill?" [Forward this email and have them click here to be added to our subscription list.](#) And remember, you can always visit our [website](#) for more news and resources.

***Valinda Rutledge
Senior Vice President of Federal Affairs
America's Physician Groups***

Supreme Court Vacancy Makes Future of Affordable Care Act Unclear

Following the passing of Supreme Court Justice Ruth Bader Ginsberg last week, the future of the Affordable Care Act (ACA) has come back into the spotlight. The Court is set to hear the latest challenge to the ACA on November 10. While some legal scholars view the current case as flawed, a district court judge and two appellate judges have already found reason to knock down part or all of the law and Ginsberg is one vote in its favor that now may be replaced by a Justice that chooses to strike it down, such as leading contender Amy Coney Barrett who has been critical of the decision in 2012 that preserved the law with a narrow 5-4 decision. If the seat is not filled by November 10, a 4-4 split decision

would remand the case back to the district court which already has ruled that the law is unconstitutional.

Yesterday, Democrats in the House of Representatives released a [short-term continuing resolution \(CR\)](#) to keep the government open and funded in advance of next week's deadline. The CR runs through December 11 and includes provisions:

- Averting a \$50 per month Medicare Part B premium hike
- A one-year extension of the surface transportation authorization
- An extension of FEMA's access to fiscal 2021 funding in order to deal with hurricane season and wildfires on the West Coast
- Reauthorization of the National Flood Insurance Program through Sept. 30, 2021
- Increased flexibility for processing loans through the Small Business Administration
- Funding for presidential inauguration and transition activities

The bill is unlikely to pass as Republicans have criticized it for removing billions in trade aid for farmers requested by the White House as well as billions in pandemic-related food assistance for families that they supported. Both sides have called for a CR that will keep the government open until December.

APG Sends Letter to CMMI on Next Generation ACO Amendment

Last week, APG sent a [letter](#) to the Center for Medicare and Medicaid Innovation (CMMI) highlighting the problems with the proposed Amendment 1 for Next Generation ACOs and calling for increased transparency under the program in general. Joined by Premier, Inc. and the National Association of ACOs, APG argued that the amendment creates a high level of uncertainty in its application of retrospective national trend modification to prospective United States Per Capita Cost trend factor. The change would penalize ACOs that want to maintain the full risk in already uncertain times due to the ongoing pandemic. APG asked CMS to consider the fallout of the substance of the amendment and the short notice under which participating Next Generation ACOs had to consider and sign the proposal.

Healthcare Organization's Encourage Transparency for All COVID-19 Vaccine Candidates

On September 17, nearly 90 organizations sent a [letter](#) to the Food and Drug Administration (FDA) and the Center for Biologics Evaluation and Research, encouraging the agencies to be completely transparent with the review process when identifying COVID-19 vaccine candidates. The letter also outlines the critical importance of including all ethnic backgrounds and seniors.

CMS Announces Two New Innovative Models of Care

On September 18, the Centers for Medicare and Medicaid Services (CMS) announced two new Innovation Center models covering [Radiation Oncology \(RO\)](#) and [End Stage Renal Disease Treatment Services \(ETC\)](#). The RO Model is a mandatory model targeting cancer patients receiving radiotherapy and is focused on testing whether bundled, prospective, site neutral, modality agnostic, episode-based payments to physician group practices (PGPs), hospital outpatient departments (HOPD), and freestanding radiation therapy centers for radiotherapy (RT) episodes of care reduce Medicare expenditures.

The RO Model will make prospective, modality agnostic, episode-based payments in a site-neutral manner for 16 different cancer types. It requires participation from RT providers and suppliers that furnish RT services within randomly selected Core-Based Statistical Areas (CBSAs). The CBSAs selected for the RO Model contain approximately 30 percent of all eligible Medicare fee-for-service (FFS) radiotherapy episodes nationally. Beneficiaries are still able to receive care from any provider or supplier of their choice. The RO Model has a five-year performance period that runs from January 1, 2021 through December 31, 2025.

The ETC Model builds on President Trump's Advancing Kidney Health Executive Order by encouraging increased usage of home dialysis and kidney transplants to improve or maintain the quality of care and reduce Medicare expenditures for patients with chronic kidney disease.

CMS' designation of the RO Model as a mandatory model indicates its commitment to the move from volume to value-based care and modeling.

APG Colloquium 2020: Answering the Call: Value-Based Care in Public Health Emergencies

Want to learn the latest about the practice of value-based care **AND** save some money, too? Then don't miss our virtual **Colloquium 2020** on November 17-19. **Early bird registration rates end October 1**, so if you want to save money, make sure you [register today!](#)

Here are just a few of the outstanding sessions and speakers on the program:

Are APM's on the Right or Wrong Track?

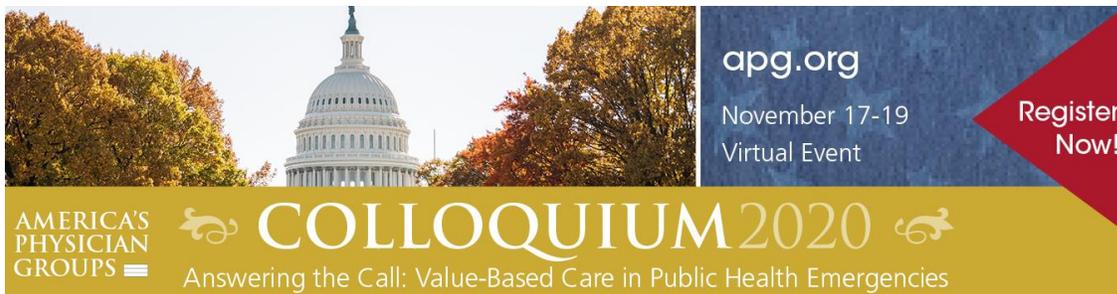
- **Sachin Jain, MD, MBA**, President and CEO, SCAN Group and SCAN Health Plan. Dr. Jain is also Adjunct Professor of Medicine at Stanford University School of Medicine and Co-Editor-in-Chief of *Healthcare: The Journal of Delivery Science and Innovation*.
- **Kavita Patel, MD**, Nonresident Fellow, Brookings Institution. Dr. Patel also serves in advisory roles at the Bipartisan Policy Center and the World Economic Forum, and is a member of PTAC. She was a senior member of President Obama's staff and played a major role in healthcare policy development. Dr. Patel frequently appears on NBC/MSNBC as an expert advisor on the impact of COVID-19.

- **Sanjay Doddamani, MD, MBA**, EVP, COO, and Chief Physician Executive, Southwestern Health Resources. Dr. Doddamani was most recently Senior Advisor at CMMI, and former CMO of Geisinger's ACO and Geisinger at Home.
- Moderator: **Valinda Rutledge**, SVP of Federal Affairs, APG

The Key Variables in Successful Implementation of Direct Contracting: Analysis, Infrastructure, and Execution

- **Aneesh Chopra**, President & CEO, CareJourney
- **Pauline Lapin, MHS**, Director for Seamless Care Models Group, CMMI
- **Rushika Fernandopulle, MD**, CEO, Iora Health
- **Tim Barry**, Co-Founder & CEO, Village MD
- Moderator: **Bill Wulf, MD**, CEO, Central Ohio Primary Care, and APG Chair-Elect

Early bird registration rates **end in less than 2 weeks**, so [register today](#) and save \$125. Groups that register 10+ people at the same time save an extra \$50 per person!



apg.org
November 17-19
Virtual Event
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AMERICA'S PHYSICIAN GROUPS **COLLOQUIUM 2020**
Answering the Call: Value-Based Care in Public Health Emergencies



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Valinda Rutledge | America's Physician Groups | 1501 M Street, NW | Washington, DC 20005

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