



2016 Regulations – Nursing Home

Rule	Date Proposed	Date Final	Provisions	LeadingAge Comments/Action
2017 Medicare Payment Rule	4/28/2016	8/5/2016	Allows for a 2.4% reimbursement increase beginning October 1, 2016. Begins implementation of Value-Based Purchasing and the IMPACT Act.	LeadingAge comments , filed 6/20/16, pointed out that nursing homes are being hit with too much, too fast. We also urged CMS to appropriately risk adjust and test performance and quality measures before implementation.
Payroll-Based Journal (PBJ)		7/1/2016	Requires nursing homes to submit staffing and census information electronically, using the CMS Payroll-Based Journal system. Summary	LeadingAge partnered with OnShift for a special member discount on software to assist members in complying with the PBJ requirement. Also provides a PBJ list-serv for members to get questions answered. In comments to CMS, LeadingAge expressed a number of concerns about the PBJ methodology.
Requirements of Participation overhaul	7/16/2015	Expect September, 2016	Potentially affects every aspect of nursing home operation, including staffing levels, qualifications and training; behavioral and mental health services; telemedicine and other technology; care planning and physical plant. Summary	Filed 10/14/2015. LeadingAge's detailed comments emphasized that every new requirement must be achievable by every nursing home within current workforce limitations on the day the requirement goes into effect.
Fire Safety Requirements		5/4/2016, effective 7/5/16	Adopts the 2012 edition of the Life Safety Code, which contains several changes from the previous code. Also adopts the 2012 edition of the Health Care Facilities Code with some exceptions. Summary	Note: also applies to hospice and PACE organizations
Medicare Overpayment Rule (applies to all providers of Medicare-covered services)		2/16/2016, effective 3/14/2016	Implements the ACA requirement that health care providers identify and return Medicare overpayments within 60 days. Summary	LeadingAge provided a webinar and other educational materials for members on the requirement.



2016 Regulations – Home Health

Rule	Date Proposed	Date Final	Provisions	LeadingAge Comments/Action
2017 Calendar Year Medicare Payment Rule	7/5/2016		Would cut Medicare reimbursement by 1% beginning 10/1/2016. Includes changes to value-based purchasing. Summary	LeadingAge will file comments, due 8/26/2016. Rate calculator
2017 Medicare Hospice Payment Rule	4/28/2016	8/5/2016	Includes a 2.1% increase for CY2071, new quality measures, data collection and submission mechanisms, and Hospice Compare website. Summary	Comments filed 6/17/2016. Our recommendations included use of a few meaningful quality outcome measures, more time to review the 5-star model, and reevaluation of the cost of the admission assessment.
Home- and Community-Based Services (HCBS) Settings Rule		1/16/2014	The rule limits services provided under state hcbs waivers to settings integrated into the community. Co-location of hcbs services to assisted living residents or to others who live on the campus of a nursing home will be subject to heightened scrutiny.	As CMS continues to review state plans, LeadingAge is working with the agency on flexibility for assisted living residents to be eligible for hcbs services, including adult day. FAQs on the rule's effect on new construction of assisted living and adult day services.
Face-to-face Requirement for Medicaid coverage of home care		2/2/2016	Implements the Affordable Care Act requirement that physicians document a face-to-face meeting with a patient in order for Medicaid to cover home health or medical equipment. Summary	
Prior Authorization of Home Health Services Demonstration	2/5/2016		CMS sought comment on a prior authorization requirement for home health claims in FL, MA, TX, IL and MI. Summary	LeadingAge comments noted the increased administrative costs and delays in service for Medicare beneficiaries and urged CMS to look into alternatives for reducing fraud.



2016 Regulations – Population Health

Rule	Date Proposed	Date Final	Provisions	LeadingAge Comments/Action
Bundling – Comprehensive Care for Joint Replacement (CJR)		11/16/15; Implementation began 4/1/16	Requires all hospitals in 67 metropolitan statistical areas to participate in bundled payment and quality measurement initiatives in caring for Medicare beneficiaries undergoing hip and knee replacements. Summary	Of particular note for LeadingAge: SNFs partnering in bundling arrangements may qualify for waiver of the 3-day stay requirement if they have at least 3 stars on the Five-Star rating system.
Bundling expansion	7/25/2016		Would add three new models to the bundling initiative, beginning July, 2017. To be rolled out in 98 randomly selected metropolitan statistical areas. Summary	
Medicaid Managed Care		5/6/2016	The first major update to the regulations in over a decade addresses network adequacy for LTSS, strengthening the consumer experience of care and aligning rules across programs to assist transitions between sources of coverage. Summary	
IMPACT Act Spending per Beneficiary – Post-Acute Care measures	1/2016		CMS sought public comment on draft measures mandated by the Improving Post-Acute Care Transformation (IMPACT) Act. Measures will apply to nursing homes, home health agencies, long-term care hospitals and inpatient rehab facilities. Summary	LeadingAge’s comments expressed concern about timelines for development of complex measures and urged risk adjustments for socioeconomic factors.

2016 Regulations – Labor and Misc.

Rule	Date Proposed	Date Final	Provisions	LeadingAge Comments/Action
Occupational Safety and Health Administration (OSHA) Penalties Increase		Interim final rule 7/1/2016	Civil penalties will increase substantially beginning with penalties assessed on or after 8/1/2016. Summary	
OSHA – electronic record-keeping		5/12/2016, effective beginning 8/10/2016 and beyond	Requires electronic reporting of workplace illnesses and injury. Data to be publicly posted. Summary	
Dept. of Labor – exclusion of sleep time from hours worked by home care workers		4/25/2016	Guidance issued according to the 2013 final rule on wages and overtime for home care workers. Summary . History and provisions of the home care worker rule	
Dept. of Labor – White Collar Overtime Rule		5/18/2016, effective 12/1/2016	Increases the salary threshold at which employees are exempt from overtime pay requirements. Summary	LeadingAge comments , filed 9/3/15, pointed out that without concomitant increases in federal health and housing reimbursements, aging services providers will struggle to comply.
Religious Liberty Protections		4/4/2016	Provides new religious liberty protections for beneficiaries of federally-funded social service programs. Summary	
Dept. of Labor – Joint Employer Administrative Interpretation		1/20/2016	Broadens the circumstances under which employers may be found to be joint employers. Summary	Could apply to nursing homes' use of staffing agencies