

Friday, June 2, 2017

WEIGH-IN ON SUPERVISION POLICY FOR OUTPATIENT THERAPEUTIC SERVICES

On Aug. 21-22, the Advisory Panel on Hospital Outpatient Payment ([HOP Panel](#)), which advises the Centers for Medicare & Medicaid Services (CMS) regarding the appropriate level of supervision for hospital outpatient therapeutic services, will hear testimony from hospital and health system leaders.

The AHA strongly encourages hospitals interested in this issue to have their chief medical officer, chief nursing officer or other clinical staff identify specific outpatient therapeutic services that require only general supervision and request an opportunity to provide testimony before the HOP Panel.

As of Jan. 1, 2017, the direct supervision enforcement moratorium for critical access hospitals (CAHs) and small rural hospitals has expired. This means that all hospitals must comply with CMS's direct supervision requirements. The August HOP Panel meeting will be the only opportunity this year to expand the list of individual outpatient therapeutic services designated as "general supervision" services.

The number and variety of services that the HOP Panel considers will directly depend upon how many hospitals request to testify and the services they present for evaluation. To date, CMS has reduced the level of supervision for 60 outpatient therapeutic services based on such recommendations made by hospitals. Hospitals may request a change in supervision level for any outpatient therapeutic service that has not previously been considered by the HOP Panel. A list of all of the services previously evaluated by the HOP Panel, including CMS's final decisions, can be found on the CMS [website](#).

While the AHA continues to pursue a permanent legislative solution, the possibility of enforcement by CMS puts all hospitals not compliant with the direct supervision rules at risk for significant enforcement penalties, including payment recoupment. This is your chance to make the case for designating more services as appropriate for general supervision.

WHAT YOU CAN DO:

- Submit a presentation by email to APCPanel@cms.hhs.gov recommending general supervision for specific outpatient therapeutic services and make a

request to testify during the August meeting. Examples of hospital presentations that CMS has accepted for previous HOP Panel meetings are available on the [AHA website](#).

- Refer to the [notice](#) in the May 25 Federal Register for detailed instructions on CMS's requirements for submitting and presenting testimony. **The deadline for submitting an email copy of a presentation and a completed [Form CMS – 20017](#) is July 21. You must submit both documents.**
- CMS will review all requests and select presenters to testify at the August meeting.
- Presenters and other individuals interested in attending the August meeting in person must [register](#) online between June 26 and July 31.
- Review the attached [AHA Factsheet](#) for more information.

AHA Members interested in testifying can contact Roslyne Schulman, AHA director of policy, at rschulman@aha.org or (202) 626-2273 for technical assistance on presentations and requests.