



Thomson Reuters Regulatory Intelligence

Topical Tracking Service

HEALTHCARE AND HEALTH INSURANCE SNAPSHOT

February 23, 2023

The following is a selection of federal and state regulatory actions affecting the healthcare, health insurance and government-funded health insurance sectors for January and February 2023. This bulletin also includes news and analysis from Thomson Reuters Latest Updates, Regulatory Intelligence, Expert Analysis and Insights and other Thomson Reuters professional services publications.

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HEALTHCARE

Recent Legislative Items

District of Columbia

2021 DC L.B. 113 (NS), effective January 30, 2023, amends DC CODE § 7-1671.04 updating the requirements for an authorized practitioner to recommend the use of medical cannabis and related provisions. Latest Update available [here](#).

Illinois

2021 IL H.B. 4664 (NS), effective January 13, 2023, amends multiple sections relating to medical professional licensing and discipline, telemedicine, informed consent, the dispensing of hormonal contraceptives and other provisions. Latest Update available [here](#).

New York

- 2021 NY A.B. 6052 (NS), effective February 5, 2023, amends NY PUB HEALTH § 2803 to require facilities to update all residents, authorized family members, and guardians of

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residents at the facility within 12 hours of the detection of the presence of an infection by a resident or staff member, by electronic or other selected method. Latest Update available [here](#).

- 2021 NY S.B. 7020 (NS), effective January 17, 2023, amends multiple sections relating to clinical laboratories and licensed clinical personnel. Latest Update available [here](#).

Ohio

2021 OH H.B. 509 (NS), effective April 6, 2023, amends multiple sections relating to medical professional licensing, registration, continuing education and related provisions. Latest Update available [here](#).

South Dakota

2023 SD H.B. 1080 (NS), effective July 1, 2023, adopts uncodified sections in SD ST § 34-24 to prohibit certain medical and surgical interventions on minor patients. Latest Update available [here](#).

Utah

2023 UT S.B. 16 (NS), effective January 28, 2023, adopts UT ST § 58-1-603 establishing the requirements for health care providers to meet before providing a hormonal transgender treatment for minors and amends related provisions. Latest Update available [here](#).

Recent Administrative Items

Alaska

2023 AK REG TEXT 628659 (NS), effective March 5, 2023, amends 12 AK ADC 02.190 (Board of Dental Examiners) adding an application fee, a permit fee, and a permit renewal fee relating to advanced practice permits for dental hygienists. Latest Update available [here](#).

Arkansas

2023 AR REG TEXT 631313 (NS), effective January 1, 2023, amends AR ADC 016.25.3-VII updating the requirements for examination and certification for nursing assistants and AR ADC 016.25.3-X clarifying that the Department must be responsible for the training costs one time for individuals who are employed by, or have a "letter of intent" to be employed, by a Medicaid certified nursing facility. Latest Update available [here](#).

Florida

2023 FL REG TEXT 568293 (NS), effective January 26, 2023, adopts 59 FL ADC 59A-35.115 requiring hospitals and ambulatory surgical centers to conduct patient safety culture surveys and related provisions. Latest Update available [here](#).

Kentucky

2023 KY REG TEXT 621126 (NS), effective January 12, adopts 901 KY ADC 5:140 to establish the process to request a permit to transport fetal remains and incorporates by reference the permit request form. Latest Update available [here](#).

Louisiana

2023 LA REG TEXT 634429 (NS), effective January 27, 2023, amends 48 LA ADC Pt I, § 401 by adding acrania, arcadia, and trisomy 22 to the list of conditions that deem an unborn child "medically futile." Latest Update available [here](#).

Massachusetts

2023 MA REG TEXT 627639 (NS), effective February 3, 2023, amends multiple sections relating to registration, registration requirements and the revocation or suspension of registration for various practitioners and entities. Latest Update available [here](#).

Mississippi

2023 MS REG TEXT 629468 (NS), amends multiple sections under 15 MS ADC Pt. 16 relating to hospice policies and procedures, criminal history record checks and branch offices. Latest Update available [here](#).

Missouri

2023 MO REG TEXT (NS), effective March 30, 2023, adopts 19 MO ADC 30-20.144 (Standards and Guidelines for Essential Caregiver Program) establishing the standards and guidelines for hospitals to develop an essential caregiver program to be operable during a declared state of emergency relating to infectious, contagious, communicable, or dangerous diseases. Latest Update available [here](#).

North Carolina

2023 NC REG TEXT 635891 (NS), effective January 27, 2023, amends 10A NC ADC 14C.1403 (Performance Standards) clarifying the requirements for when an applicant proposes to develop a new Level III or Level IV service. Removes the option for an applicant to not have to document that an unmet need exists in the applicant's defined neonatal service area if the State Medical Facilities Plan includes a need determination for neonatal beds in the service area. Latest Update available [here](#).

North Dakota

2022 ND REG TEXT 595922 (NS), effective January 1, 2023, amends ND ADC 55-02-01-12 (Continuing Education) removing the limitation on the number of continuing education hours that can be obtained through online or internet sources. Also provides that the board shall consider exceptions to the continuing education requirements for certain reasons. Latest Update available [here](#).

Oregon

2023 OR REG TEXT 629583 (NS), effective January 27, 2023, Amends, adopts and repeals multiple sections in OR ADC 333-035 (Hospice Program Licensure Requirements) to update the licensing requirements for hospice programs in Oregon. These administrative rules have not been updated since 2010 and are being revised to align with other acute and continuing care license types and changes to Oregon statute. Latest Update available [here](#).

Pennsylvania

2023 PA REG TEXT 586542 (NS), effective January 14, 2023, amends 55 PA ADC § 1101.51 striking language which prohibited providers from leasing or renting space, shelves or equipment within a provider's office to another provider or from allowing the paid or unpaid staff of a provider to be placed in another provider's office. Latest Update available [here](#).

Texas

Amends 26 TX ADC § 554.1914 adding requirements for an emergency response system in nursing homes. Latest Update available [here](#).

Recent Guidance

Illinois

Executive Order 2023-1, effective January 6, 2023, reissues and extends various Executive Orders through February 4, 2023, as a result of the continued public health risk posed by COVID-19. Latest Update available [here](#).

News and Insights

- **Study: Adjusting Population-Based Payments for Social Risk Factors Failed to Improve Equity** (Health Policy Tracking Service Healthcare Reform Snapshot for January 17, 2023) available [here](#).
- **OUTLOOK 2023: Technology and access are leading trends for healthcare** (January 18, 2023) available [here](#).
- **U.S. DOJ disrupts Hive ransomware group that targeted hospitals, financial firms** (January 27, 2023) available [here](#).
- **Three U.S. data breaches show varied healthcare exposure risks** (February 2, 2023) available [here](#).
- **Emergency Medicine Group Submits Letter to U.S. Agencies Addressing ER Doctors Who Use IDR Process** (February 6, 2023) Health Policy Tracking Service Healthcare Providers and Facilities Snapshot available [here](#).
- **Arizona hospital system settles with U.S. health agency following protected health information breach** (February 9, 2023) available [here](#).
- **U.S. telehealth platforms need more data privacy as regulators, consumers take note** (February 15, 2023) available [here](#).

HEALTH INSURANCE

Recent Legislative Items

Illinois

2022 IL H.B. 4664, effective January 13, 2023, amends multiple sections relating to billing for emergency services from nonparticipating providers, required health benefits, network adequacy, reports relating to professional conduct and capacity, coverage for abortion and coverage for abortifacients, hormonal therapy and human immunodeficiency virus pre- and post-prophylaxis. Latest Update available [here](#).

New Jersey

2022 NJ A.B. 3523 (NS), effective June 1, 2023, amends multiple section by revising colorectal screening guidelines to align with United States Preventive Services Task Force recommendations, eliminating definition of "high risk for colon cancer," prohibiting cost-sharing for colorectal cancer screenings preformed pursuant to United States Preventive Services Task Force recommendations, redesignating paragraphs and by making non-substantive, technical changes. Latest Update available [here](#).

New York

2021 NY A.B. 1741 (NS), effective January 1, 2023, amends NY INS § 3216 (Individual accident and health insurance policy provisions), NY INS § 3221 (Group or blanket accident

and health insurance policies; standard provisions), and NY INS § 4303 (Benefits) relating to out-of-pocket maximum and cost sharing calculations. Latest Update available [here](#).

Ohio

2021 OH H.B. 509 (NS), effective April 6, 2023, amends sections relating to insurance navigators, insurance navigator business entities, reinsurance intermediary-brokers and reinsurance intermediary-managers. Latest Update available [here](#).

South Dakota

2023 SD H.B. 1012 (NS), effective July 1, 2023, amends SD ST § 58-17I-6 by eliminating annual certificate of compliance reporting requirements regarding grievance procedures. Latest Update available [here](#).

Recent Administrative Items

Colorado

2023 CO REG TEXT 626929 (NS), effective February 14, 2023, adopts 3 CO ADC 702-4:4-2-92 relating to premium rate reduction and network adequacy hearing. Latest Update available [here](#).

Delaware

2023 DE REG TEXT 635038 (NS), effective February 11, 2023, amends multiple sections relating to the arbitration of health insurance disputes. Latest Update available [here](#).

Massachusetts

2023 MA REG TEXT 613544 (NS), effective January 20, 2023, amends multiple sections relating to small group health insurance. Latest Update available [here](#).

New York

2023 NY REG TEXT 633574 (NS), effective December 28, 2023, amends 11 NY ADC 451.3 relating to pharmacy benefit managers by applying the regulation to January 1, 2024 instead of January 1, 2023. Latest Update available [here](#).

Utah

2023 UT REG TEXT 630254 (NS), effective January 10, 2023, amends, rescinds and changes multiple sections relating to the individual open enrollment period. Latest Update available [here](#).

Washington

2023 WA REG TEXT 614662 (NS), effective January 19, 2023, amends, adopts and repeals multiple sections relating to coverage of emergency services, balance billing and consumer cost sharing. Latest Update available [here](#).

Wyoming

2023 WY REG TEXT 625949 (NS), effective January 26, 2023, amends, adopts, repeals and renumbers multiple sections under WY ADC 044.0002.10 relating to coordination of benefits. Latest Update available [here](#).

Recent Guidance

Alaska

AK Bulletin No. 2023-1, effective January 24, 2023, reminds insurers of and clarifies reporting and filing requirements for the annual survey on health insurance and grievance certificates of compliance. Latest Update available [here](#).

Georgia

GA Bulletin 23-EX-3, effective February 9, 2023, provides instructions for submission of mental health parity data calls, including annual filing schedule. Latest Update available [here](#).

News and Insights

- **Virginians Saw Largest Decrease in Cost of Health Insurance** (January 23, 2023) Health Policy Tracking Service Access to Health Insurance Snapshot available [here](#).
- **Obamacare 2023 enrollment hits record at 16.3 mln signups** (January 26, 2023) available [here](#).
- **OUTLOOK 2023: Regulatory stability beckons for U.S. health insurers but cost, enrollment concerns loom** (February 1, 2023) available [here](#).
- **U.S. insurers brace for fallout from end of COVID-19 emergency** (February 6, 2023) available [here](#).
- **AHA Letter Includes Comments on Health Insurance Proposals** (February 6, 2023) Health Policy Tracking Service Access to Health Insurance Snapshot available [here](#).

GOVERNMENT-FUNDED HEALTH INSURANCE

Recent Legislative Items

Illinois

2021 IL H.B. 240 (NS), effective January 18, 2023, amends IL ST CH 305 § 5/5-5.2 providing that for dates of service beginning July 1, 2022 and ending September 30, 2023, the Medicaid access adjustment must be added to the product. Latest Update available [here](#).

New Jersey

2022 NJ A.B. 3523 (NS), effective June 1, 2023, amends NJ ST 30:4D-6 providing that the department shall provide medical assistance to qualified applicants provided that there is federal financial participation available, for expenses incurred in conducting a colorectal cancer screening in accordance with United States Preventive Services Task Force recommendations. Latest Update available [here](#).

Recent Administrative Items

Arkansas

2023 AR REG TEXT 631311 (NS), effective January 1, 2023, amends AR ADC 016.20.1-O updating the section regarding Medically Needy Pregnant Women Categories to clarify that the unborn child will always be counted in the need standard for the pregnant woman. Also makes other clarifying changes throughout the rule. Latest Update available [here](#).

District of Columbia

2023 DC REG TEXT 635063 (NS), effective February 3, 2023, adopts 29 DC ADC Chapter 111, My Life, My Way Program, establishing requirements for a Medicaid participant-directed services (PDS) program to afford participants enrolled in the Home and Community-Based Services (HCBS) Waiver for Individual and Family Support (IFS) the opportunity to self-direct certain IFS Waiver services. Latest Update available [here](#).

Kentucky

2023 KY REG TEXT 635075 (NS), effective December 29, 2023, adopts 907 KY ADC 1:038E to amend 907 KY ADC 1:038 removing the requirement that the recipient be under age 21 to receive hearing services. Latest Update available [here](#).

Louisiana

2023 LA REG TEXT 634394 (NS), effective January 23, 2023, amends 50 LA ADC Pt XXI, § 6101 relating to the mandatory hourly wage enhancements for all direct service workers employed in I/DD HCBS services and related provisions. Latest Update available [here](#).

Missouri

2022 MO REG TEXT 620317 (NS), effective January 30, 2023, amends 13 MO ADC 70-15.220 updating the methodology for calculating the disproportionate share hospital payment. Latest Update available [here](#).

North Dakota

2022 ND REG TEXT 621057 (NS), effective January 1, 2023, amends ND ADC 75-02-02.1-05 extending postpartum coverage and coverage for children born to eligible pregnant women from 60 days to 12 months. Also removes the requirement that a former foster care child had to be in foster care in North Dakota to be considered categorically needy. Amends ND ADC 75-02-02.1-21 extending continuous eligibility for pregnant women and newborns from 60 days to 12 months. Latest Update available [here](#).

Ohio

2023 OH REG TEXT 628560 (NS), effective February 19, 2023, amends OH ADC 5160-2-23 providing that hospitals are to separately report all supplemental payments received for services provided during the cost report period, including Medicaid Managed Care Incentive Payments and Hospital Additional Payments. Latest Update available [here](#).

Rhode Island

2023 RI REG TEXT 634133 (NS), effective January 20, 2023, amends 210 RI ADC 20-00-1.3 to remove Blue Cross/Blue Shield as an example of another resource that must be used before payment from Medicaid and making other technical changes. Latest Update available [here](#).

Washington

- 2023 WA REG TEXT 624599 (NS), effective February 12, 2023, amends WA ADC 182-538-070 relating to Medicaid managed care, updating the requirements regarding sanctions and related provisions. Latest Update available [here](#).
- 2023 WA REG TEXT 589970 (NS), effective February 26, 2023, adopts and amends multiple provisions relating to Medicaid covered services, including telemedicine and store and forward technology. Latest Update available [here](#).

Recent Guidance

Federal

- CMS Transmittal R11792CP, effective January 1, 2023, revises the Medicare Benefit Policy Manual, Chapter 17, and the Medicare Claims Processing Manual, Chapter 39, to reflect changes made in the CY 2023 Physician Fee Schedule Final Rule. Transmittal available [here](#).
- CMS Transmittal R11801CP, effective January 3, 2023, describes changes to and billing instructions for various payment policies implemented in the January 2023 Outpatient Prospective Payment System (OPPS) update. This transmittal rescinds and replaces Transmittal 11737 issued December 8, 2022. Transmittal available [here](#).
- CMS Transmittal R11803BP, effective February 27, 2023, updates Chapter 13 to reflect payment policies finalized for 2022 and 2023. Transmittal available [here](#).
- CMS Transmittal R11833OTN, effective July 1, 2023, instructs the Multi-Carrier System (MCS) how to use CARC 23 to report prior payer adjudication in the case of a secondary claim. Transmittal available [here](#).
- CMS Transmittal R11858OTN, effective July 1, 2023, develops a new process to facilitate Full Procedure Code Inquiry screen (PL Segment) maintenance in an efficient manner. Transmittal available [here](#).
- CMS Transmittal R11834CP, effective July 1, 2023, implements the Medicare Part B deductible, which is waived for insulin furnished through an item of durable medical equipment, and limits the beneficiary coinsurance for a month's supply of insulin not to exceed \$35. The supplier payment is to be adjusted as necessary so that Medicare pays for the rest of the amount for the month's supply of insulin. Transmittal available [here](#).

News and Insights

- **Kaiser Family Foundation's Recent Literature Review Reveals that the Medicaid Expansion Continues to Positively Impact the Financial Position of Providers** (January 23, 2023) Health Policy Tracking Service Medicaid Snapshot available [here](#).
- **Proposed Rule Targets MA Authorizations** (January 30, 2023) Health Policy Tracking Service Long-Term Care Snapshot available [here](#).
- **MedPAC Recommends Increase in Physician Pay** (January 30, 2023) Health Policy Tracking Service Healthcare Reform Snapshot available [here](#).
- **U.S. health agency issues final Medicare Advantage audit rule that could cost insurers billions** (February 2, 2023) available [here](#).
- **CMS Highlights Its Accomplishments for 2022** (February 6, 2023) Health Policy Tracking Service Medicaid Snapshot available [here](#).
- **Two Florida doctors convicted in \$31 million Medicare fraud scheme** (February 7, 2023) available [here](#).
- **Michigan doctor sentenced for role in illegally distributing 6.6 million opioid pills and submitting \$250 million in false billings** (February 9, 2023) available [here](#).
- **HHS Announces Initial Guidance and Implementation Schedule of New Medicare Drug Inflation Rebate Program** (February 13, 2023) Health Policy Tracking Service Pharmaceuticals and Medical Devices Snapshot available [here](#).
- **U.S. rule proposal seeks more transparency in nursing home ownership by private equity, REITs** (February 16, 2023) available [here](#).