

## OAR Legislative Newsletter

### 2020 State Legislative Summary

As 2020 comes to an end, the Ohio Association of Rheumatology is proud to say that despite the disruptions and unexpected challenges of the COVID-19 pandemic, we made considerable strides with our advocacy goals this year and built upon a foundation that will help us achieve more in the coming year.

With a new general assembly set to begin in January, any introduced legislation not passed by the end of December must start back at the beginning of the legislative process. Even though our major bills were not passed out of the legislature in 2020, we are pleased with the progress made on the issues our members care deeply about, and we will continue to push for meaningful change for Ohio into 2021. Thank you for your continued support of OAR during this challenging year. We wish you a happy and healthy holiday season and look forward to continuing to serve you in the new general assembly.

A [summary of the work](#) on our major legislative issues is available.

### 2021 Medicare Payment Rule Boosts E/M Reimbursement

The 2021 Medicare Physician Fee Schedule will provide much-needed increases in Medicare reimbursement for the evaluation and management (E/M) services provided by rheumatologists and other cognitive care specialties.

The change will yield an approximate average 16% increase in reimbursement for rheumatology, depending on the mix of services provided and where a practice is located.

TAKE ACTION

### Office-Administered Drugs Targeted by Most Favored Nation Rule

Recently, the Center for Medicare and Medicaid Services released an interim final rule seeking to implement the “Most Favored Nation” (MFN) pricing scheme for Medicare Part B drugs.

The new rule would adjust reimbursement to providers and suppliers for a period of seven years by using a payment methodology that takes into account international pricing and a fixed add-on amount.

TAKE ACTION

### UnitedHealthcare Delays Copay Accumulator Policy

On November 12, UnitedHealthcare announced the suspension of their “[Accumulator Adjustment – Medical Benefit](#)” program “due to recent feedback we’ve received from healthcare professionals like you.” The policy would have required providers to report the amount their patients receive in copay assistance for office-administered treatments. UHC planned to use this information to enforce a copay accumulator, ensuring that no copay assistance funds would be applied toward patients’ deductibles or out-of-pocket maximum payments. (The Rheumatologist, November 20, 2020).

### Federal Emergency Declaration Amended to Facilitate Telehealth, Preempt State Licensing Laws

On December 3, [HHS amended the Declaration](#) under the Public Readiness and Emergency Preparedness Act to allow healthcare providers to order or administer “covered countermeasures” (e.g., COVID-19 diagnostic tests) across state lines. Of note, the amendment preempts state laws prohibiting telehealth across state lines.

### OAR Virtual Advocacy Day

On September 11, 2020, the Ohio Association of Rheumatology (OAR), due to the ongoing COVID-19 public health emergency throughout Ohio, took the opportunity to have our [first Virtual Advocacy Day](#). Even if we were unable to meet in-person at the Statehouse as we typically may, this was a valuable chance to advocate for our biggest legislative priorities to legislators through virtual conference calls.

### A Look at 2021 Legislative Leadership

[The House Health Committee](#) will most likely continue under the leadership of current Chairman, Representative Scott Lipps (R-Franklin) who has been instrumental in the progress of our legislative initiatives. The Senate Health Committee will lose its current Chairman in term limited Senator Dave Burke (R-Marysville) but with two physicians as Senators now in the Ohio Senate, it is anticipated both will have key positions on the Senate Health Committee next year.

### Telehealth Expansion Legislation Approved by Ohio House

[A bill to expand telehealth](#) amid a pandemic that continues to grow in Ohio has entered a state Senate committee for consideration. House Bill 679 passed the Ohio House in June and seeks to expand telemedicine provisions already present in law regarding fields such as psychology, speech pathology, therapy and professional counseling, independent social workers and dietitians.

### State Suit Against PBMs Delayed

Ohio’s [lawsuit against pharmacy benefit managers](#) accused of overcharging state agencies for prescription drugs has again been delayed. Originally slated for trial last March, the Bureau of Workers’ Compensation case against OptumRx now is scheduled to be heard on November 1, 2021. In it, the state says Optum overcharged the agency between 2015 and 2019 by \$16 million. While that is not a huge sum, the case could have much larger implications for taxpayers and for pharmacy benefit managers. Speaking about the suit in 2019, Ohio Attorney General Dave Yost said it would be far from the last shoe to drop against the companies, which do billions of dollars of business with the state each year. (Ohio Capital Journal, December 4, 2020)