

# GME @ Dentons

Welcome to GME @ Dentons, a newsletter designed to provide you with monthly updates on issues related to **graduate medical education (GME)**.

Our DC-based team—

**Holley Thames Lutz**

and

**Susan Banks**

—regularly advise clients on all aspects of GME and write the GME @ Dentons newsletter to help you navigate the ever-evolving GME regulatory landscape.

Holley has, for more than a decade, represented a broad array of health care providers with respect to Medicare coverage and reimbursement issues, including those relating to graduate medical education. Finally, Susan's Medicare and Medicaid compliance and reimbursement consulting experience has a large GME component, including advising on GME-related contracting requirements in connection with the establishment of new medical and dental residency programs.

## What can you expect from *GME @ Dentons*?

- Hot topics and insights into key developments in the complex world of GME reimbursement.
- Updates on proposed GME regulations and other guidance from the Centers for Medicare & Medicaid Services (CMS).
- Alerts and analysis regarding significant proposed GME legislation.

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## Key contacts



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## GME @ Dentons - GME Policies in the CY 2021 PFS Proposed Rule

August 11, 2020



**United States:** On August 3, 2020, CMS released the CY 2021 Physician Fee Schedule Proposed Rule (CY 2021 PFS Proposed Rule), which includes proposed changes to requirements related to teaching physician supervision and billing, and resident moonlighting. Comments on these and other PFS proposals must be received by CMS no later than 5 pm EDT on October 5, 2020.





## **GME @ Dentons - Expansion of the List of Services that May Be Billed Under the Primary Care Exception During the COVID-19 PHE**

July 16, 2020



The “primary care exception” allows a teaching physician to bill under the Medicare Physician Fee Schedule (PFS) for certain services provided by residents in approved graduate medical education (GME) programs if the services are furnished in certain primary care centers and other requirements of the exception are satisfied. For the duration of the COVID-19 public health emergency (PHE), CMS has allowed PFS payment to teaching physicians for an updated expanded list of services furnished by residents under the primary care exception.



## **GME @ Dentons - CMS issues new guidance relaxing additional GME-related rules**

May 26, 2020



During the COVID-19 public health emergency, CMS has announced a number of waivers and regulatory flexibilities that specifically address the needs of teaching hospitals. Just last week, CMS issued more guidance providing flexibilities relating to physician time studies and Medicare

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GME affiliation agreements.



## **GME @ Dentons - Displaced Resident Policies in the FY 2021 IPPS Proposed Rule**

May 14, 2020



On May 11, 2020, CMS released the FY 2021 Inpatient Prospective Payment Services (IPPS) Proposed Rule, which includes proposed

changes related to closing hospitals and closing residency programs. CMS's proposals focus on how "displaced residents" are defined for purposes of determining whether the closing hospital or program can voluntarily transfer temporary cap slots to other hospitals that agree to train the residents for the remainder of their programs. The proposed changes will take effect October 1, 2020.



## **GME @ Dentons: CMS relaxes Medicare GME payment and supervision rules during COVID-19 emergency**

May 1, 2020





**United States:** In response to the COVID-19 emergency, CMS issued on April 30, 2020 a second Interim Final Rule with Comment Period that gives providers additional regulatory flexibilities during the current Public Health Emergency (PHE).



## **GME @ Dentons: CMS relaxes resident moonlighting rules during COVID-19 emergency**

April 6, 2020





**United States:** In a recent Interim Final Rule, CMS relaxed restrictions on resident moonlighting rules during the period of the COVID-19 emergency.



## **GME @ Dentons: CMS relaxes Medicare GME-related rules during COVID-19 pandemic**

March 31, 2020







In light of the COVID-19 crisis, the Centers for Medicare & Medicaid Services issued a guidance document relaxing certain requirements applicable to teaching hospitals.



## **ACGME announces suspension of routine operations and provides guidance during the COVID-19 pandemic**

March 24, 2020



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**United States:** In light of the COVID-19 crisis, the ACGME has announced a suspension of routine operations and has provided clarifying guidance to residency programs, encouraging the use of telemedicine for supervision during the pandemic.



**Overlapping surgeries? All good. Concurrent surgeries? Not so much.**

March 12, 2020



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Regulatory and enforcement concerns about “concurrent” surgeries have gained traction and visibility in recent years. Medicare payment rules distinguish between “concurrent” and merely “overlapping” surgeries, though published Medicare guidance does not explain this terminology distinction quite so clearly and explicitly.



## **GME @ Dentons - Accurately Reporting Hospital Bed Counts for IME Payment Purposes**

February 6, 2020





Accurately counting and reporting a hospital's number of available beds on the Medicare cost report has significant implications for teaching hospitals receiving Medicare GME funding. IME payments, which comprise two-thirds of a teaching hospital's Medicare GME funding, are largely tied to the hospital's intern and resident-to-bed ratio (often referred to as the IRB ratio). Therefore, a hospital's number of countable beds directly affects its IME payments. CMS provides specific guidance regarding how hospitals are expected to count and report beds on their Medicare hospital cost report. Given the payment implications, hospitals should take care to count and report an accurate number of available beds.

**How can the world's largest law firm help you today  
?**

**Contact us or find an office in your location.**