



FOR IMMEDIATE RELEASE
February 15, 2019

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National Home Infusion Association to Sue CMS Over Medicare Transitional Payment

Alexandria, VA—Yesterday, the National Home Infusion Association (NHIA) filed a lawsuit against the U.S. Department of Health and Human Services (HHS) over a misguided policy determination that could significantly reduce patients’ access to home infusion therapy services.

At issue is the Centers for Medicare and Medicaid Services’ (CMS) Home Infusion Final Rule, issued November 13, 2018, which limits home infusion professional services reimbursement only to those days in which a “skilled professional is in the patient’s home.” The final rule implements temporary transitional payments for home infusion therapy services for calendar years 2019 and 2020; these payments are required by section 50401 of the Bipartisan Budget Act of 2018. CMS’s interpretation effectively eliminates reimbursement for pharmacists’ and other professional services that are performed remotely.

“This rule undercuts Congress’ intent to ensure that Medicare beneficiaries can access these therapies in the safety and comfort of their own homes,” said Varner Richards, PharmD, Chair of the NHIA Board of Directors and a home infusion pharmacist from Columbia, South Carolina. “It simply doesn’t reflect the reality of how home infusion services are currently delivered and reimbursed.”

“For the past several months, the association and its members have made numerous legal, policy, and political arguments imploring CMS to modify the regulations to align with Congress’ intent in the 21st Century Cures Act and Bipartisan Budget Act of 2018,” explains Connie Sullivan, BSP Pharm, NHIA President & CEO. “We believe the agency violated the statute and have concluded that legal action is our only recourse for protecting the interests of our members and access to services by Medicare beneficiaries.”

For more information and a copy of the claim, visit:
http://www.nhia.org/documents/NHIA_Complaint_FILED.pdf

Background

Until recently, Medicare reimbursement for home infusion professional services was being subsidized by the AWP payment for infusion drugs. However, Congress included provisions in the 21st Century Cures Act and the Bipartisan Budget Act of 2018 requiring CMS to create both a permanent and transitional payment system for home infusion provider services to compensate for the reduction in reimbursement (move to Average Sales Price) for Medicare Part B home infusion drugs. Congress modeled these policies to mirror reimbursement models in the private health plans and among other government programs (e.g., Tricare and the VA). Those payers typically reimburse home infusion services on each day that a patient receives an infusion drug.

Under the CY 2019 Home Infusion transitional payment final rule, however, CMS will reimburse only for the professional services delivered face-to-face, namely, those performed by a nurse. Professional services that are typically performed remotely by pharmacists including assessments, care planning, care coordination, remote monitoring, sterile drug preparation, and round-the-clock availability will not be reimbursed despite decades of precedent in the private sector showing patients treated at home experience improved quality of life and positive clinical outcomes.

About NHIA

NHIA is a trade association that represents companies which provide infusion therapy to patients in their homes, as well as companies that manufacture and supply infusion and specialty pharmacy products. Infusion therapy involves patient-specific compounded medications, supplies, and a range of pharmacy, nursing, and other clinical services for delivering care to patients in the home setting. For more information, visit the association at www.nhia.org.