INTRODUCTION

On January 25, 2018, eHealth Initiative (eHI) held its annual Government Affairs Retreat at the Dirksen Senate Office Building on Capitol Hill. The gathering convened eHI members and policy experts to discuss the 2018 federal legislative and regulatory landscape. During this day long meeting, participants shared important, up-to-the-minute intelligence on healthcare priorities for Congress and the Administration; identified impactful federal policy and regulatory shifts; and developed policy priorities and action items for eHealth Initiative, and its members, for the upcoming year.

This meeting summary can be supplemented with presentation slides from the policy experts who participated in the discussion, https://www.ehidc.org/resources/policy.

CRITICAL INTERSECTIONS, ACTION PLANS, & A STRATEGIC SCAN

eHealth Initiative's CEO, Jennifer Covich Bordenick, began the day by highlighting critical intersections facing the healthcare industry in 2018. eHealth Initiative's Policy Steering Committee (PSC) members also addressed the importance of creating a policy action plan that is built on a proactive voice. Meg Marshall, JD, Director, Government Health Policy, Cerner Corporation, PSC Chair; Chantal Worzala, Vice President, Health Information & Policy Operations, American Hospital Association, PSC Vice Chair; and Ticia Gerber, PSC Senior Advisor gave an overview of the day's policy discussions within this framework.

Piper Su, JD, Vice President, McDermott+Consulting and Karen S. Sealander, JD, Partner, McDermott Will & Emery outlined the 2018 policy landscape, noting that midterm elections will have the greatest impact on the policy actions Congress decides to pursue. The elections will determine which party ultimately controls the House and Senate.

In her presentation, Su detailed items that would affect the federal policy agenda:
- fresh leadership at the Department of Health and Human Services (HHS)
- discussion around entitlement reform, including the future of Medicaid
- continued Affordable Care Act debates
- continued MACRA implementation
- a new emphasis on regulatory reduction
- a fulcrum of health and IT power in the White House Office of American Innovation
- the influence of new bodies, such as the Health Information Technology Advisory Committee (HITAC)

According to Sealander's analysis, implementation of the *21st Century Cures Act* will be a priority this year. A proposed rule on information blocking, related to *21st Century Cures Act* is expected in April 2018. Another top priority will be "reducing the regulatory burden" of compliance. Sealander believes conversations around Medicaid patient identifiers, 42 CFR Part 2, and artificial intelligence will grow in scope. Additionally, Sealander stated that Congress and the administration will work to maximize the impact of federal investments, streamline regulations,

improve transparency, and increase accountability of HHS's regulatory process. The goal is to effectively meet the needs of individuals and achieve more patient-centered care.

INTEROPERABILITY & SAFEGUARDING OUR HEALTHCARE

John Glaser, Ph.D., Senior Vice President of Cerner Corporation, discussed the evolution of interoperability policy priorities, stating that adoption has been modest, and we will likely still be discussing this issue 20 years from now. While current interoperability policy is framed around the *21st Century Cures Act* and its implementation, he stated that other factors need to be addressed:

- expansion of the range of aggregators and generators of healthcare data (i.e. population health, internet of things, credit assessment companies)
- standardization of platform rules across entities
- best practices for capturing social and behavioral domains in EHRs
- event processing from multiple systems
- the breadth of health-related businesses and what it means to be a covered entity
- diversification of platforms
- motivation to exchange data

Glaser emphasized that addressing these interoperability realities and progressing towards a value-based care system requires more incentives and appropriate regulation to encourage data sharing. Policies need to grapple with, and guide, this evolution.

Steve Curren, Director of the Division of Resilience for HHS emphasized current government initiatives for safeguarding healthcare systems and patients. Curren pointed out the three major hurricanes occurring last year and the government's important role in supporting the maintenance of essential supply chain functions within healthcare. Citing the UK's WannaCry ransomware attack on the National Health Service (NHS) last year, he identified the importance of cybersecurity analytics and how it can prevent such attacks. Additionally, he stressed the importance of collaboration amongst industry and between the private sector and the government. Curren emphasized that cybersecurity was everyone's responsibility.

HOUSE & SENATE STAFFER UPDATES / POLICY CRYSTAL BALL

Stuart Portman, Professional Staff Member on the Senate Finance Committee and Nicholas Uehlecke, Professional Staff Member on the House Ways and Means Committee offered Congressional perspectives and updates. Portman spoke about three healthcare priorities for 2018 that will extend beyond the Finance Committee, oversight and follow-up on the *21st Century Cures Act*, improving data use and sharing, and ensuring programs, such as Medicaid, have a strong future.

Uehlecke highlighted interoperability as the continued Congressional "topic du jour". He also stated that the active discussion issues for the House revolve around the opioid epidemic, efforts to relieve bureaucratic red

tape, and the culture surrounding healthcare. Both speakers identified the growing importance of healthcare data and its centrality to health IT discussions.

Members of the eHI Policy Steering Committee (PSC) convened a special "crystal ball" healthcare session to forecast federal policy dialogue and action items over the course of this year. According to the committee, key 2018 policy issues and themes include:

- the opioid epidemic
- telehealth (reimbursement, harmonizing definitions, etc.)
- artificial intelligence (AI)
- implementation of MACRA and *21st Century Cures*
- data and predictive analytics
- cybersecurity
- disruption of traditional healthcare models by new players
- healthcare workforce shortages
- patent reform

In addition to existing key committees and political channels, three bodies are having growing influence. The Food and Drug Administration (FDA) is playing a role in regulating medical devices related to AI; the Senate Judiciary Committee has been working on issues related to patent reform; and the White House Office of American Innovation is analyzing EMRs and interoperability.

MACRA, MIPS, TECHNOLOGY, ANALYTICS, & THE EDUCATED PATIENT

Jean D. Moody-Williams, Deputy Director, Center for Clinical Standards and Quality at CMS provided an update on MACRA, MIPS and other alternative payment models (APMs). She emphasized CMS' four strategic goals 1) empower patients and physicians to make decisions about their healthcare 2) usher a new era of flexibility and local leadership 3) support innovative approaches to improve quality, accessibility, and affordability 4) improve CMS customer experience. CMS plans to adopt policies that balance the meaningfulness of quality measurement

data with efforts to limit provider burden and improve the doctor-patient relationship. To achieve the seamless and secure exchange of health information for providers and patients, CMS will work closely with the Office of the National Coordinator for Health Information Technology (ONC) on implementing the interoperability provisions of *the 21ˢᵗ Century Cures Act.*

Dr. Jon White, Deputy National Coordinator at the ONC, spoke about priorities on interoperability, including APIs, information blocking, HITECH, precision medicine, and the JASON report on AI. Leslie Kelly Hall, Senior Vice President of Healthwise, discussed the importance of patient education and patient access to medical records, as well as how these items positively contribute to the healthcare system. She highlighted other factors impacting burden and providing relief for providers and patients, including the way patient data is viewed, downloaded and transmitted; digital access and requests for information; and interoperability with EHR standards, specifically to create an atmosphere which puts patients and providers on the same page about their information. Hall concludes that patient access can be expanded, without increased pressure and burden on the healthcare system.

CONCLUSION

The Government Affairs Retreat was an engaging and collaborative event. The ideas, input, and discussion topics are being used to inform eHealth Initiative's 2018 Policy Action Plan, which will be released in March 2018.