HHS seeks input on how to improve healthcare choice and competition

Executive Order 13813, Promoting Healthcare Choice and Competition Across the United States, directs the Administration to facilitate the purchase of insurance across State lines and the development and operation of a healthcare system that provides high-quality care at affordable prices and to promote competition in healthcare markets and limit excessive consolidation throughout the healthcare system. In response, the Department of Health and Human Services (HHS) requests input from the public on how existing State and Federal laws, regulations, and other policies limit choice and competition across healthcare markets and what actions States or Federal Government could take to support a healthcare system that provides high-quality care at affordable prices. It seeks input on five (5) specific questions about Medicare, Medicaid, and other sources of payment:

1. What laws, regulations, or policies reduce or restrict competition and choice in healthcare markets?
2. What laws, regulations, or policies may promote or encourage anticompetitive behavior in healthcare markets?
3. What State or Federal grants or other funding mechanisms reduce or restrict competition and choice in healthcare markets?
4. What State or Federal grants or other funding mechanisms may promote or encourage anticompetitive behavior in healthcare markets?
5. What suggestions do you have for policies or other solutions (including those pertaining to Medicare, Medicaid, and other sources of payment) to promote the development and operation of a more competitive healthcare system that provides high-quality care at affordable prices for the American people?

Comments are due by **January 25, 2018**. Visit this website for more information on how to submit comments.

Labor Department -- Association Health Plans Proposed Rule

The Department of Labor has issued a proposed regulation that would expand the opportunity for small businesses to offer employment-based health insurance through Small Business Health Plans, also known as Association Health Plans (AHPs). Broadening the definition of 'employer' to allow AHPs to offer insurance under Title I of the Employee Retirement Income Security Act (ERISA) would exempt AHPs from State regulation and some ACA requirements.

The proposed regulation also seeks comment on allowing small employers, including those in rural communities, to form an AHP on the basis of geography or industry, so a

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health plan could serve employers in a state, city, county, or a multi-state metro area, or it could serve all the businesses in a particular industry nationwide.

Comments due **March 6, 2018**. See the fact sheet for more information.

FCC Promoting Telehealth in Rural America Proposed Rule

On January 2, 2018, the Federal Communications Commission (FCC) published in the Federal Register a proposed rule with policy proposals to ensure that rural healthcare providers get the support they need while guarding against waste, fraud, and abuse. The rule considers a series of measures to ensure the Rural Health Care (RHC) Program operates efficiently and considers the appropriate size of the funding cap. The Commission also takes targeted, immediate action in the Order section of the item to mitigate the impact of the existing RHC Program cap on rural healthcare providers in funding year (FY) 2017.

Comments are due **February 2, 2018**. You may submit comments, identified by WC Docket No. 17-310, by any of the following methods:

- Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments;
- Federal Communications Commission's website: http://apps.fcc.gov/ecfs/. Follow the instructions for submitting comments; or
- People with Disabilities: Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by email: FCC504@fcc.gov or phone: (202) 418-0530 or TTY: (202) 418-0432.

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