



Indiana University Health

May 21, 2020

The Honorable Jim Baird
United States House of Representatives
532 Cannon House Office Building
Washington, D.C. 20515

Dear Congressman Baird:

On behalf of Indiana University Health (“IU Health”), I would like to thank you for your continued work to provide hospitals the needed resources to fight the coronavirus pandemic. The relief funding for providers in COVID 3.5 was essential to keeping hospitals in the fight. We look forward to working with you to address the continued needs of our nations’ hospitals’ pandemic response. As Congress negotiates the next COVID package, we hope you will support IU Health’s priorities as described below.

Good Faith Liability Shield

IU Health asks that any new legislation protects health care providers serving on the front lines of this unprecedented public health emergency. Specifically, the next package should include liability protections with reasonable limitations that protect health care facilities, administrators, and professionals from civil and criminal liability resulting from an act or omission in the course of arranging for or providing health care services during the declared public health emergency.

Technical Correction to “Medicaid Shortfall”

In my most recent letter, I outlined an issue unique to IU Health and Riley Hospital for Children at IU Health. Specifically, IU Health requests Congress require the Centers for Medicare and Medicaid Services (CMS) implement a recommendation from the Medicaid and CHIP Payment and Access Commission (MACPAC) on “Medicaid shortfall/third party payment.” Language shared with key Committees and Congressional leadership would address the calculation of Disproportionate Share Hospital (DSH) payments for Medicaid-eligible individuals who have another source of coverage, such as private insurance or Medicare. Given the number of children treated at children’s hospitals who are eligible for Medicaid and have private insurance, this policy has significantly and negatively impacted several children’s hospitals, like Riley Hospital. Specifically, CMS’s policy has nearly eliminated IU Health’s DSH payments despite being the state’s largest adult and child Medicaid provider by volume. We hope that this language could be included in the next pandemic response bill, providing IU Health with much needed DSH payments as we continue to fight this silent enemy.

Drug Discount Program Eligibility

IU Health is among the state’s largest safety net hospital systems. Consequently, several of the IU Health hospitals are eligible for 340B drug discounts. IU Health uses the savings enabled by 340B to provide additional care to low-income Hoosiers. Responding to the COVID-19 pandemic could temporarily affect hospitals’ ability to meet 340B eligibility requirements, potentially cutting off access to the 340B drug discount program. To support Indiana’s safety net hospitals through this crisis, we urge you to support policies to temporarily protect these hospitals from losing 340B eligibility due to the COVID-19 pandemic.

Telehealth Expansion

Thank you for your support of the recent expansion of Telehealth services authorized by the CARES Act. This expansion allows people to remain safe at home, provides access to timely diagnosis and treatment, and limits the person-to-person spread of COVID-19. There is no doubt that telehealth has allowed for the care and treatment of our patients while also mitigating the spread of the virus, but its benefits extend far beyond our efforts in fighting this pandemic. For these reasons, I urge you to eliminate barriers to full scale adoption of telehealth. This includes new investment in broadband infrastructure, particularly in underserved rural areas.

Healthcare Visa Burden

We urge you to support *The Healthcare Workforce Resilience Act* (H.R. 6788 and S. 3599). This bipartisan legislation will recapture 40,000 unused employment-based visas, using them to expedite processing for immigrant doctors and nurses. For many of our international medical graduates (IMG), visa restrictions and delays in visa processing are hampering their ability to perform how and where they are needed most. IU Health has a number of IMGs, many of whom are prevented from going where their expertise is needed most because of green card and visa backlogs. In light of COVID-19, it is imperative that we utilize all tools necessary to expand the healthcare provider workforce. With this legislation, we can ensure that visas for medical workers are processed in a timely manner, alleviate some of the green card backlog for physicians and nurses, and ultimately increase the numbers of our available healthcare workforce.

Next Gen Accountable Care Organizations

IU Health urges Congress to create fair policy to support Next Generation Accountable Care Organizations (ACOs). IU Health is one of 41 ACOs participating in Next Gen, which is the most advanced model in the performance-based risk portfolio at the CMS Innovation Center. The model tests higher levels of financial risk and reward and accountability for patient populations. Through this model, IU Health is accelerating the movement to performance-based risk by investing in population health and leading the transformation from volume to value. However, the pandemic has threatened to derail the program, leaving IU Health in a precarious position. We urge you to support the extension of the Next Gen model through 2021, allow ACOs to elect their level of risk, and implement a per-patient, per-month payment for performance-based risk ACOs during this public health emergency

Thank you again for your continued support of hospitals. We look forward to working with you on IU Health's priorities and to provide more funding for hospitals across the nation. Through your work, the IU Health team can continue to do all in our power to beat this pandemic and protect Hoosiers.

Sincerely,



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