

Health Law Vitals - A Healthcare Newsletter from Haynes and Boone, February 2016

February 25, 2016 Suzie Trigg

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[Regulatory/Compliance: CMS Unveils Draft Quality Measure Development Plan for New Payment Models](#)

On December 18, 2015, the Centers for Medicare and Medicaid Services ("CMS") released its draft Quality Measure Development Plan ("QMDP"). The QMDP offers an overarching framework for the development of quality measures used to effect payment adjustments to providers in the Merit-based Incentive Payment System ("MIPS") and Alternative Payment Models ("APMs") created by The Medicare Access and CHIP Reauthorization Act of 2015 ("MACRA").

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[Healthcare Technology: New Year, New Stark Law Provisions](#)

To be applied to all services furnished under the Medicare Physician Fee Schedule ("PFS") on or after January 1, 2016, the Centers for Medicare & Medicaid Services ("CMS") has implemented the final CY 2016 PFS rule ("the Final Rule") in response to health care delivery and payment systems reform and in hope of reducing the burden on providers and facilitating compliance with the Stark law regulations ("Stark"). This marks the first set of substantial changes to Stark since the "Phase IV" changes issued in 2009.

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[Innovative Trends/Models of Care: Texas Telemedicine 2015 Year In Review](#)

The regulations regarding telemedicine in Texas were a frequent topic of discussion in 2015. While the telemedicine rules currently in effect for Texas are the same as they were this time last year, over the course of the past year there were amendments to the rules, litigation to enjoin enactment of those amendments, and legislation related to the rules.

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[FDA/Emerging Products: Supporting Health through Healthier Food Choices: A Spotlight on Food Labeling in 2016](#)

In early 2014, first lady Michelle Obama announced upcoming changes to the FDA's Nutrition Facts label, and in March 2014, the FDA issued a proposed rule on the revision of Nutrition and Supplement Facts labels "to assist consumers in maintaining healthy dietary practices." The FDA's proposed rule, along with a supplemental proposed rule issued in July 2015 regarding added sugar, mark the first changes to the Nutrition Facts panel since the 2003 *trans fat* rulemaking and the first overhaul of the Nutrition Facts panel in the 20 years since implementation.

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[Employment/Benefits: What Does the DOL's New Guidance on Worker Classification Mean for Healthcare Staffing Agencies in Texas?](#)

Recently, the Department of Labor ("DOL") issued an Administrator's Interpretation ("Interpretation") on the standards for determining whether a worker is an employee or independent contractor under the Fair Labor Standards Act ("FLSA"). According to the Interpretation, "most workers are employees under the FLSA's broad definitions." This may potentially include healthcare staffing agency hires.

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