

# Health Law Vitals - A Healthcare Newsletter from Haynes and Boone, September 2017

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September 6, 2017 Neil Issar, Kayla Cristales, Jennifer Kreick

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**PRACTICES** Healthcare Transactions and Regulatory, Healthcare and Life Sciences

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## **Reigniting the Debate about Restrictions on Physician-Owned Hospitals**

Earlier this year, Congressman Sam Johnson (R-TX) and Senator James Lankford (R-OK) introduced the Patient Access to Higher Quality Health Care Act of 2017, a proposed law to repeal certain sections of the Affordable Care Act that have effectively restricted the expansion and construction of physician-owned hospitals ("POHs"). The bills reawakened a debate about the pros and cons of POHs.

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## **Recent Updates to the OIG'S Work Plan**

In mid-August, the United States Office of Inspector General ("OIG") announced updates to its Work Plan and established that it will now post updates to the Work Plan on a monthly basis instead of only once or twice per year. The Work Plan sets forth the OIG's current projects and areas of focus, including audits currently in process or anticipated to start, based on areas of the U.S. Department of Health and Human Services programs the OIG considers contain risk or need attention.

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## **Pharmaceutical Manufacturers Still Without Clear Guidance On Appropriate Safeguards for Copayment Coupons**

While pharmaceutical manufacturers are continuing to face scrutiny for prescription drug prices, they are still without clear guidance from government regulators on appropriate safeguards for the use of copayment coupons. This lack of guidance leaves pharmaceutical manufacturers using copayment coupon programs, including print coupons, electronic coupons, debit cards, and direct reimbursements, with potential compliance exposure at a time when their pricing and payment policies and practices are being analyzed by the media, legislators, and the public.

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