

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

By Matthew Thomas Deffebach, Jennifer S. Kreick, Suzie Trigg | July 6, 2016

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Texas Continues to Expand Telemedicine and Telehealth Opportunities with New Rule for Occupational Therapy Services

By Michelle "Missy" Apodaca and Lissette Villarruel

Support for telemedicine and telehealth services continues to gain traction in Texas, as evidenced by the Texas Health and Human Services Commission's willingness to consider the use of telemedicine services to increase access to care and the adoption of rules allowing for occupational therapy services to be delivered via telehealth.

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Multiple New Regulations Push for Healthier Foods

By [Suzie Trigg](#)

Earlier this year, we wrote about the spotlight on food labeling in 2016. Halfway through the year, the changes to food and beverage labeling show no signs of slowing down.

The U.S. Food and Drug Administration recently released its long-awaited Final Guidance on compliance with the menu labeling rule, as well as its final rules on updated nutrition facts and supplement facts labels and changes to serving sizes of common foods.

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OSHA's New Recordkeeping Rule Impacts the Healthcare Industry

By [Matthew Deffebach](#) and Punam Kaji

On May 11, 2016, the Occupational Safety and Health Administration ("OSHA") issued a final rule, which is slated to go into effect January 1, 2017. As a result of the new rule, certain employers must electronically submit to an OSHA website the injury and illness data contained in their various OSHA logs. This information will become publicly available on the OSHA website.

[Read more.](#)

Beyond the Bathroom: The ACA Nondiscrimination Rules' Effect on Health Care Services and Health Insurance

By Christopher Beinecke

Section 1557 of the Affordable Care Act prohibits several forms of discrimination in certain healthcare programs and activities. The Department of Health and Human Services issued regulations treating gender identity discrimination and stereotyping as forms of discrimination under

Section 1557. Many employers are uncertain if and how these rules might affect them. The financial impact should be small, but many employers will be affected in their delivery of health care and/or coverage.

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CMS Final Rule Aims to Strengthen Incentives for MSSP ACOs

By Kenya Woodruff and [Jennifer Kreick](#)

On June 6, 2016, the Centers for Medicare & Medicaid Services ("**CMS**") issued a new final rule for accountable care organizations ("**ACOs**") participating in the Medicare Shared Savings Program ("**MSSP**"). This final rule (i) revises the benchmarking methodology by phasing in regional factors, (ii) creates a new option for Track 1 ACOs to extend participation agreement in Track 1 for an additional year prior to transitioning to a performance-based risk track, and (iii) defines timeframes and other criteria for reopening payment determinations of shared savings and losses. According to CMS, the purpose of these modifications is to "strengthen incentives" for MSSP ACOs.

[Read more.](#)

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