

1998 Current Fiscal Year Report: Negotiated Rulemaking Committee on the Shared Risk Exception

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1. Department or Agency

Department of Health and Human Services

2. Fiscal Year

1998

3. Committee or Subcommittee

Negotiated Rulemaking Committee on the Shared Risk Exception

3b. GSA

Committee

No.

5183

4. Is this New During Fiscal Year?

No

5. Current Charter

05/19/1997

6. Expected Renewal Date

7. Expected Term Date

09/01/1998

8a. Was Terminated During Fiscal Year?

Yes

8b. Specific Termination Authority

42 USC 1320a-7b

8c. Actual Term Date

01/22/1998

9. Agency Recommendation for Next Fiscal Year

Terminate

10a. Legislation Req to Terminate?

No

10b. Legislation Pending?

11. Establishment Authority

Presidential

12. Specific Establishment Authority

42 U.S.C. 1320a-7b

13. Effective Date

08/29/1996

14. Committee Type

Ad hoc

14c. Presidential?

No

15. Description of Committee

Regulatory Negotiations Committee

16a. Total Number of Reports

1

16b. Report Date

Report Title

Consensus Agreement: HHS

01/22/1998 Negotiated Rulemaking Committee on the Shared Risk Exception

Number of Committee Reports Listed:

1

17a.

Open

4 17b. Closed0 17c. Partially Closed0 Other Activities0 17d. Total4

Meetings and Dates

Purpose	Start	End
Not Stated for this Report	10/08/1997	- 10/10/1997
Not Stated for this Report	11/19/1997	- 11/21/1997
Not Stated for this Report	12/16/1997	- 12/18/1997
Not Stated for this Report	01/21/1998	- 01/22/1998

Number of Committee Meetings Listed: 4

	Current FY	Next FY
18a(1). Personnel Pmts to Non-Federal Members	\$0.00	\$0.00
18a(2). Personnel Pmts to Federal Members	\$7,000.00	\$0.00
18a(3). Personnel Pmts to Federal Staff	\$28,300.00	\$0.00
18a(4). Personnel Pmts to Non-Member Consultants	\$0.00	\$0.00
18b(1). Travel and Per Diem to Non-Federal Members	\$2,250.00	\$0.00
18b(2). Travel and Per Diem to Federal Members	\$0.00	\$0.00
18b(3). Travel and Per Diem to Federal Staff	\$0.00	\$0.00
18b(4). Travel and Per Diem to Non-member Consultants	\$0.00	\$0.00
18c. Other(rents,user charges, graphics, printing, mail, etc.)	\$6,340.00	\$0.00
18d. Total	\$43,890.00	\$0.00
19. Federal Staff Support Years (FTE)	3.00	0.00

20a. How does the Committee accomplish its purpose?

The Committee's purpose is to negotiate the development of interim final rulemaking addressing the shared risk exception (section 216 of P.L.O. 104-191) to the Federal health case programs' anti'kickback provisions. Through issue papers, presentations and direct negotiations, the committee has continued to work towards

establishing standards for exceptions to
risking-sharing arrangements, including (1) the
level of risk appropriate to the size and type of
arrangement; (2) the frequency and distribution of
incentives; and (3) the level of capital contribution.

**20b. How does the Committee balance its
membership?**

the Committee is scheduled to meet monthly for a
minimum of at least six months to reach
consensus and complete work on developing the
interim final rule within this time period.

**20c. How frequent and relevant are the
Committee Meetings?**

Section 216 of P.L. 104-191 statutorily mandates
a negotiated rulemaking process for establishing
standards for this exception to the anti-kickback
statute. The 23 committee members serve to
adequately represent potentially affected parties
and organizations, and the full spectrum of
viewpoints.

**20d. Why can't the advice or information this
committee provides be obtained elsewhere?**

All committee meetings are open to the public.

**20e. Why is it necessary to close and/or
partially closed committee meetings?**

N/A

21. Remarks

Designated Federal Officer

Joel. Schaer

Committee Members	Start	End	Occupation	Member Designation
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Allen, Eddie	10/01/1997	09/30/1998	Health Industry Manufactures Association	Special Government Employee (SGE) Member
Ballard, Judy	10/01/1997	09/30/1998	Facilitator	Special Government Employee (SGE) Member
Bartham, Russel	10/01/1997	09/30/1998	Pharmaceutical Research & Manufact. of America	Special Government Employee (SGE) Member
Bice, Yvonne	10/01/1997	09/30/1998	National Association of Community Health Centers	Special Government Employee (SGE) Member
Brain, Donald	10/01/1997	09/30/1998	Independent Insurance Agents of America	Special Government Employee (SGE) Member
Burgess, Ken	10/01/1997	09/30/1998	American Health Care Association	Special Government Employee (SGE) Member
Gogal, Laura	10/01/1997	09/30/1998	Federation of American Health Systems	Special Government Employee (SGE) Member
Grealy, Mary	10/01/1997	09/30/1998	American Hospital Association	Special Government Employee (SGE) Member
Green, Kylanne	10/01/1997	09/30/1998	Health Insurance Association of America	Special Government Employee (SGE) Member
Hirshfeld, Edward	10/01/1997	09/30/1998	Americal Medical Association	Special Government Employee (SGE) Member
Kocot, S.	10/01/1997	09/30/1998	National Association of Chain Drug Stores	Special Government Employee (SGE) Member
Matheis, Cheryl	10/01/1997	09/30/1998	American Association of Retired Persons	Special Government Employee (SGE) Member
Miller, Brent	10/01/1997	09/30/1998	Americal Medical Group Association	Special Government Employee (SGE) Member
Morrisette, Karen	10/01/1997	09/30/1998	Deputy Chief, Department of Justice	Special Government Employee (SGE) Member

Nepple, Fred	10/01/1997	09/30/1998	National Association of Insurance Commissions	Special Government Employee (SGE) Member
Nestor, Susan	10/01/1997	09/30/1998	Blue Cross Blue Shield Association	Special Government Employee (SGE) Member
Pastridge, Lee	10/01/1997	09/30/1998	National Association of State Medicaid Directors	Special Government Employee (SGE) Member
Sabatino, Charles	10/01/1997	09/30/1998	Consumer Coalition of Quality Health Care	Special Government Employee (SGE) Member
Schaller, Candace	10/01/1997	09/30/1998	American Association of Health Plans	Special Government Employee (SGE) Member
Shaffer, Barbara	10/01/1997	09/30/1998	Coordinated Case Coalition	Special Government Employee (SGE) Member
Spahr, Stephen	10/01/1997	09/30/1998	National Association of Medicaid Fraud Control Units	Special Government Employee (SGE) Member
Waxman, J.	10/01/1997	09/30/1998	The IPA Association of America	Special Government Employee (SGE) Member
Weiden, Michael	10/01/1997	09/30/1998	National Rural Health Association	Special Government Employee (SGE) Member

Number of Committee Members Listed: 23

Narrative Description

What are the most significant program outcomes associated with this committee?

Checked if
Applies

Improvements to health or safety

☐

Trust in government

☐

Major policy changes

☐

Advance in scientific research

☐

- | | |
|---|--------------------------|
| Effective grant making | <input type="checkbox"/> |
| Improved service delivery | <input type="checkbox"/> |
| Increased customer satisfaction | <input type="checkbox"/> |
| Implementation of laws or regulatory requirements | <input type="checkbox"/> |
| Other | <input type="checkbox"/> |

Outcome Comments

What are the cost savings associated with this committee?

Checked if Applies

- | | |
|----------------------------|-------------------------------------|
| None | <input checked="" type="checkbox"/> |
| Unable to Determine | <input type="checkbox"/> |
| Under \$100,000 | <input type="checkbox"/> |
| \$100,000 - \$500,000 | <input type="checkbox"/> |
| \$500,001 - \$1,000,000 | <input type="checkbox"/> |
| \$1,000,001 - \$5,000,000 | <input type="checkbox"/> |
| \$5,000,001 - \$10,000,000 | <input type="checkbox"/> |
| Over \$10,000,000 | <input type="checkbox"/> |
| Cost Savings Other | <input type="checkbox"/> |

Cost Savings Comments

What is the approximate Number of recommendations produced by this committee for the life of the committee?

0

Number of Recommendations Comments

What is the approximate Percentage of these recommendations that have been or will be Fully implemented by the agency?

%

% of Recommendations Fully Implemented Comments

What is the approximate Percentage of these recommendations that have been or will be Partially implemented by the agency?

%

% of Recommendations Partially Implemented Comments

Does the agency provide the committee with feedback regarding actions taken to implement recommendations or advice offered?

Yes ☐ No ☐ Not Applicable ☒

Agency Feedback Comments

What other actions has the agency taken as a result of the committee's advice or recommendation?

Checked if Applies

Reorganized Priorities	<input type="checkbox"/>
Reallocated resources	<input type="checkbox"/>
Issued new regulation	<input type="checkbox"/>
Proposed legislation	<input type="checkbox"/>
Approved grants or other payments	<input type="checkbox"/>
Other	<input type="checkbox"/>

Action Comments

Is the Committee engaged in the review of applications for grants?

No

Grant Review Comments

How is access provided to the information for the Committee's documentation?

Checked if Applies

Contact DFO	<input type="checkbox"/>
Online Agency Web Site	<input type="checkbox"/>

Online Committee Web Site



Online GSA FACA Web Site



Publications



Other



Access Comments