Insights

CMS "Mid-Build" Exception Deadline and Provider-Based Growth Strategies

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The Bipartisan Budget Act of 2015 ("Section 603") made waste of many hospitals' plans for off-campus provider-based practice locations. Notwithstanding, a final reprieve for certain provider-based facilities is the 21st Century Cures Act's "mid-build" exception, which creates an exception to Section 603's site neutral reimbursement for off-campus provider-based facilities that were either in planning or development as of Section 603's November 2, 2015 enactment. In essence, a facility granted a "mid-build" exception would be entitled to receive standard OPPS reimbursement, in contrast to the PFS reimbursement for non-excepted facilities required by Section 603. **CMS requires that all required "mid-build" exception documentation be submitted by February 13, 2017.** Given this fast-approaching deadline, Krieg DeVault LLP is ready to assist your organization in preparing and filing these important documents.

The "mid-build" exception is not the only option providers have relative to expanding off-campus provider-based services. While Section 603 and CMS' 2017 OPPS Final Rule limit hospitals' ability to develop new off-campus provider-based locations, providers may consider one of the following options to expanding off-campus provider-based services:

- Physical and/or services expansion of existing (pre-November 2, 2015) provider-based practice locations

- Development of off-campus outpatient locations within 250 yards of provider-based remote inpatient locations

- Develop freestanding provider-based emergency departments offering ancillary outpatient services (i.e., diagnostic imaging)

Krieg DeVault LLP is staffed with the professionals and expertise necessary to deliver your organization's provider-based vision. If you would like to further discuss your "mid-build" facility or any of the above provider-based growth strategies, please contact Thomas N. Hutchinson.