

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

<hr/>)
THE AMERICAN HOSPITAL ASSOCIATION,))
ASSOCIATION OF AMERICAN MEDICAL))
COLLEGES, MERCY HEALTH MUSKEGON,))
CLALLAM COUNTY PUBLIC HOSPITAL))
NO. 2 d/b/a/ OLYMPIC MEDICAL CENTER,))
and YORK HOSPITAL,))
))
<i>Plaintiffs,</i>))
))
v.)	Civil Action No. 1:18-cv-2841
))
ALEX M. AZAR II,))
in his official capacity as SECRETARY OF))
HEALTH AND HUMAN SERVICES,))
))
<i>Defendant.</i>))
<hr/>)

**PLAINTIFFS’ REQUEST FOR STATUS CONFERENCE IN LIGHT OF
DEFENDANTS’ RECENT ANNOUNCEMENT OF CY 2020 PROPOSED RULE**

On July 29, 2019, the Centers for Medicare & Medicaid Services (CMS) announced its Proposed Rule for revisions to the Medicare hospital outpatient prospective payment system (OPPS) for Calendar Year (CY) 2020. See <https://s3.amazonaws.com/public-inspection.federalregister.gov/2019-16107.pdf>.

The Proposed Rule for CY 2020 would further reduce Medicare payment rates for certain clinic visit services provided at specified off-campus provider based departments (PBDs) by completing the phase-in period for the rate reductions that are challenged in the First Amended Complaint filed in this lawsuit.

Plaintiffs respectfully request a status conference on the pending motions for summary judgment in light of this development.

Respectfully submitted,

/s/ Catherine E. Stetson

Catherine E. Stetson (D.C. Bar No. 453221)

Susan M. Cook (D.C. Bar No. 462978)

HOGAN LOVELLS US LLP

555 Thirteenth Street, NW

Washington, DC 20004

Telephone: 202-637-5491

Fax: 202-637-5910

cate.stetson@hoganlovells.com

*Counsel for the American Hospital Association,
Association of American Medical Colleges, Mercy
Health Muskegon, Olympic Medical Center, and
York Hospital*

Dated: August 2, 2019