

## The Administrative Procedure Act governs the way federal agencies can propose and establish regulations

### Agency

Federal department or group that oversees a particular national issue

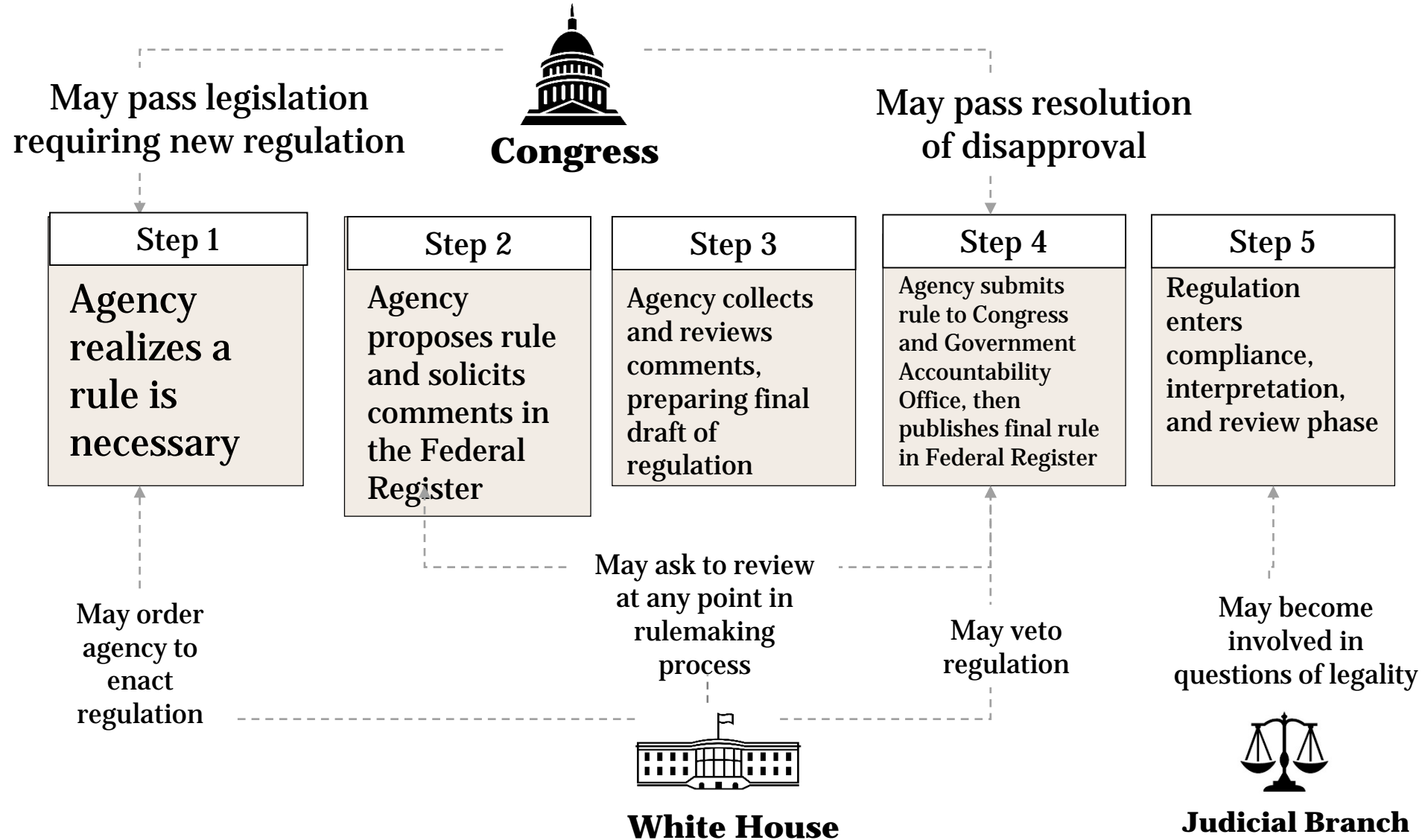
### Regulations

Also known as **administrative laws** or **rules**; general statements issued by an agency, board or commission that have the force and effect of law

### Administrative Procedure Act (APA)

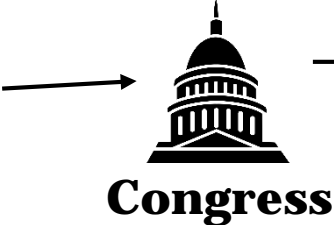
Details the process by which agencies create regulations, ensuring proper review and public consideration

# Federal rulemaking process



# Federal rulemaking process: Where can Ambassadors participate?

Ambassadors can share their expertise to influence regulatory oversight



**Step 1**  
Agency realizes a rule is necessary

Ambassadors can participate in calls and meetings with the Agency

**Step 2**  
Agency proposes rule and solicits comments in the Federal Register

Ambassadors can participate in listening sessions with the Agency during rule making process

**Step 3**  
Agency collects and reviews comments, preparing final draft of regulation



**Step 4**  
Agency submits rule to Congress and Government Accountability Office, then publishes final rule in Federal Register

**Step 5**  
Regulation enters compliance, interpretation, and review phase

May become involved in questions of legality



**Judicial Branch**

Ambassadors can participate in calls and meetings with the Agency

# Case Study 1: BPCI Advanced

- **Major issues**

- CJR precedence
- Complexity of the initial application by March 12, 2018
- Implications of TKA out of Medicare IPO list
- Lack of clarity on model details
- Advanced APM thresholds

- **Potential Ambassador Participation**

- BPCI Advanced FAQ from AAOS
- Letter, call and in-person meeting with CMMI leadership



# Case Study 2: TKA out of the Medicare IPO list

- **Major issues**

- Misinterpretation of the OPPS 2018 Final Rule
- Medicare Advantage issues
- Interplay with the “2-midnight rule”
- Recovery audits

- **Potential Ambassador Participation**

- FAQ on Advocacy section of website; circulated nationally; member calls and emails
- Letters to CMS; Call with CMS Center for Medicare’s Hospital Ambulatory Policy Group/Center for Clinical Standards and Quality/Medicare Advantage
- In-person meeting with HHS/CMS leadership and White House OMB; follow up from agency

