

HEADWINDS & TAILWINDS FOR LABORATORIES & PHARMACIES IN 2023

	Tailwinds 	 Headwinds
Laboratories	<ul style="list-style-type: none"> Increased Medicare reimbursement for clinical labs Potential payor engagement opportunities for certain lab providers with tests deemed to be “advanced diagnostic laboratory tests” through rulemaking expected under the No Surprises Act Emerging opportunities for lab services related to THC impairment testing due to increased interest from employers Increasing joint-venture outsourcing opportunities Delayed Protecting Access to Medicare Act (PAMA) reporting periods until Q1 of 2024 and extended the 0% freeze for future cuts through 2023 [CAA23] Congress’ failure to pass the VALID Act allows labs to continue serving as innovation incubators and compete favorably against IVD manufacturers [CAA23] 	<ul style="list-style-type: none"> New barriers for specialized and sole-source clinical laboratories to engage commercial payors as a result of requirements under the No Surprises Act Developing enforcement of the Eliminating Kickbacks Recovery Act (EKRA) and uncertainty due to lack of regulations
Pharmacies	Tailwinds 	 Headwinds
		<ul style="list-style-type: none"> Intensifying state-level drug/pharmacy regulation and oversight heightens transactional burdens, increasingly requires private equity to disclose sensitive investor information to regulators as part of changes in control, and delays deal-closing dates as regulators evaluate new ownership



www.ebglaw.com



www.ebgadvisors.com



National Health Advisors

www.nationalhealthadvisors.com



James Boiani

Washington, DC

JBoiani@ebglaw.com

202.861.1891



Amy K. Dow

Chicago

adow@ebglaw.com

312.499.1427



John Eriksen

Washington, DC

JEriksen@ebglaw.com

202.861.1853



Ted Kennedy

Stamford

TKennedy@ebglaw.com

203.326.7426



Mark E. Lutes

Washington, DC

mlutes@ebglaw.com

202.861.1824



David E. Matyas

Washington, DC

dmatyas@ebglaw.com

202.861.1833



Timothy Murphy

Boston

TMurphy@ebglaw.com

617.603.1077



Alaap Shah

Washington, DC

ABShah@ebglaw.com

312.499.1427



Lynn Shapiro Snyder

Washington, DC

lsnyder@ebglaw.com

202.861.1806



Joel Brill, M.D.

EBG Advisors

joel.brill@predictivehealth.com

443.663.1352



David J. McNitt

National Health Advisors

dmcnitt@thenationalgroup.net

202.496.3459