Washington Update 2015

American College of Osteopathic Internists
2015 Annual Convention and Scientific Sessions
Tampa, FL
October 3, 2015

Timothy W. McNichol, Esq.
Deputy Executive Director
Overview

- Medicare Physician Reimbursement Update
- Affordable Care Act Update
- The Current Environment in Context
- Questions
After 17 “patches,” the House and Senate overwhelmingly approved the bipartisan, “Medicare Access and CHIP Reauthorization Act of 2015” (MACRA).
MACRA Summary

- Cost approximately $141 billion
- Permanently repeals the Medicare Sustainable Growth Rate (SGR) formula and transitions Medicare physician reimbursement from volume to value
- Provides positive physician payment updates for 4.5 years
- Creates the “Merit-based Incentive Payment System”
  - Consolidates PQRS, VBM and Meaningful Use programs
Provides positive update for 4.5 years

- 0 percent January 2015 through June 2015
- 0.5 percent annually July 2015 through December 2019
- 0 percent January 2015 through December 2020
  - New payment models allow for increased reimbursement
- 0.75 percent in 2026 and beyond for participation in eligible Alternative Payment Models
MACRA Summary Continued

- Creates the Merit-based Incentive Payment System (MIPS) Quality Program
  - Provides potential incentive payments beginning in 2019
  - Ends current penalties under the PQRS, EHR/MU and VBM at the end of 2018
MACRA Summary Continued

- Provides $100 million over 5 years to assist small practices in participating in MIPS or transition to a new payment model.

- Provides for Medicare reimbursement for monthly care management services for individuals with chronic care needs.

- Prohibits the use of quality program standards as “standard of care” in medical liability actions.

- Extends CHIP for 2 years.
King v. Burwell

- Question of what, “Exchange established by the state” means
- 6–3 ruling

“The Court nevertheless must do its best, bearing in mind the fundamental canon of statutory construction that the words of the statue must be read in their context with a view to their place in the overall statutory scheme.”

Chief Justice John Roberts
United States House of Representatives v. Burwell

- Challenge to Administration’s delay of employer mandate and payment of unappropriated funds

Ruling issued allowing case to go forward

Administration has stated that it will appeal the decision
ACA Continues to be Addressed...Legislative

- House approved legislation to redefine work week from 30 to 40 hours
- House voted to repeal or amend the ACA
  - 56+ votes to completely repeal or amend the ACA
- House approved legislation to repeal the Independent Payment Advisory Board (IPAB)
- House and Senate approved legislation maintaining definition of small employer under ACA
- Joint budget resolution approved directing committees of jurisdiction to use budget reconciliation process to repeal parts of the ACA to create budgetary savings.
A Few Other Topics for Your Consideration

- Observation status legislation advanced in Senate
- Personalized medicine legislation approved in the House
- House approved drug abuse and diversion legislation
- Supreme Court decision in *Obergefell v. Hodges*
Where Do We Go From Here?
2015 Congressional Composition

114th Congress

- U.S. Senate
  - 54 Republicans
  - 44 Democrats
  - 2 Independents

- U.S. House of Representatives
  - 247 Republicans
  - 218 Democrats

*2/3 of Both the House and the Senate are needed to override a Presidential Veto (290 and 67 Respectively)
House and Senate Divisions Grow 1982

Source: National Journal 2013 Vote Ratings
Graphic: Peter Bell
House and Senate Divisions Grow 2013

Source: National Journal 2013 Vote Ratings
Graphic: Peter Bell
## Review of Congressional Activity

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<td>Introduced Leg.</td>
<td>9,824</td>
<td>7,990</td>
<td>9,143</td>
<td>10,840</td>
<td>10,799</td>
<td>10,670</td>
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<td>Approved</td>
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<td>482</td>
<td>460</td>
<td>383</td>
<td>283</td>
<td>296</td>
<td>49</td>
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<td>Percent</td>
<td>4.73</td>
<td>4.16</td>
<td>4.30</td>
<td>5.38</td>
<td>3.49</td>
<td>4.66</td>
<td>3.68</td>
<td>2.79</td>
<td>2.79</td>
<td>2.30</td>
<td>2.77</td>
<td>.78</td>
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**Source:** Data from Resume of Congressional Activity
Congressional Activity Going Forward

- Introduced Leg.
- Approved
- Pub. Law
“But it’s become clear to me that this prolonged leadership turmoil would do irreparable harm to the institution. So this morning, I informed my colleagues that I would resign from the Speakership and resign from Congress at the end of October.”
September 25, 2015 Statement
2015 Congressional Accomplishments
Congressional Highlights

- Revoked the charter of an Oklahoma tribe
- Of 58 bills signed into law, 11 named a highway or a federal building
- Reappointed a citizen regent to the Smithsonian Institute
Presidential Politics and Congressional Action

Republican Candidates

- Jeb Bush
- Ben Carson
- Chris Christie
- Ted Cruz**
- Carly Fiorina
- Jim Gilmore
- Mike Huckabee
- Bobby Jindal

- John Kasich
- George Pataki
- Rand Paul**
- Marco Rubio**
- Rick Santorum
- Donald J. Trump
- Scott Walker
- Rick Perry
Presidential Politics and Congressional Action

- Democratic Candidates
  - Lincoln Chafee
  - Hillary Rodham Clinton
  - Martin O’Malley
  - Bernie Sanders**
  - Jim Webb
Sometimes it Feels Like...

Due to the government shutdown, information on this website may not be up to date. For information about available government services, visit USA.gov.

Debido al cierre del Gobierno, la información en este sitio web puede no estar actualizada. Muchos servicios del Gobierno no estarán disponibles durante este cierre.
Dear Speaker Boehner,

The undersigned state and national groups supporting Medicare Sustainable Growth Rate Patch. During the 114th Congress, the biannual SGR replacement policy was interrogated in the last history of this Congress and was adopted in a manner that ensures that enactment is adjourned. We urge you, therefore, to reconsider and enact legislation that will ensure that the Medicare SGR patch is extended.

March 16, 2015

The undersigned state and national groups supporting Medicare Sustainable Growth Rate Patch.

American College of Osteopathic Internists (ACOI)
American Osteopathic Association (AOA)
American Academy of Family Physicians (AAFP)
American Medical Association (AMA)
American College of Physicians (ACP)
American Academy of Physical Medicine and Rehabilitation (AAPMR)
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Resources

- www.house.gov
- www.senate.gov
- www.congress.gov
- www.regulations.gov
- American College of Osteopathic Internists
Questions
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