Washington Update

AMERICAN COLLEGE OF OSTEOPATHIC INTERNISTS

NATIONAL HARBOR, MARYLAND

OCTOBER 11- 15, 2017

TIMOTHY W. MCNICHOL, ESQ.
Disclosures

Neither I nor my spouse have had a financial relationship in any amount with any commercial interest in the last 12 months.
Learning Objectives

As a result of participation in this session, participants will be able to:

- Describe the current political environment in Washington, DC
- Describe the effect of the current political environment on legislative and regulatory activities impacting physicians and patients
- Describe the potential impact of future legislative and regulatory activities on physicians and patients
The White House

President Donald J. Trump inaugurated as the 45th President of the United States on January 20, 2017

Repeal of ACA was cornerstone of campaign
2017 Congressional Composition – 115th Congress

- **U.S. Senate**
  - 52 Republicans
  - 46 Democrats
  - 2 Independents

- **U.S. House of Representatives**
  - 240 Republicans
  - 194 Democrats
  - 1 Vacancy

*2/3 of Both the House and the Senate are needed to override a Presidential Veto (290 and 67 Respectively)
The Great Balancing Act -- Yesterday, Today, and Tomorrow

Coverage

Quality ↔ Cost

Yesterday, Today, and Tomorrow

Coverage

Cost

Quality
Two Bills Reform Healthcare Delivery System

“Patient Protection and Affordable Care Act (PPACA) (Pub. L. 111-148)
- Signed into law March 23, 2010

“Healthcare and Education Reconciliation Act of 2010 (Pub. L. 111-152)
- Signed into law March 30, 2010
Summary of ACA as Amended

Requires most US citizens and legal residents to carry health insurance

Provided a 10 percent bonus payment for physicians in general internal medicine (2011-2016)

Created a 10 percent bonus payment for primary care physicians who practice in health professional shortage areas (2011-2015)

Provides health insurance tax credits

Expands preventive care services
Summary of ACA as Amended (continued)

Establishes the Independent Payment Advisory Board (IPAB)

Establishes a hospital value-based purchasing program in traditional Medicare

Creates Accountable Care Organizations (ACO’s)

Expands the Physician Quality Reporting Initiative (PQRI becomes PQRS)
ACA Has Reduced the Number of Uninsured

Note: 2017 data is for Q1 only.

Some Areas of Contention

- Impact on number of uninsured
- Medicaid coverage
- Health Insurance requirements
- Tax credit structure
- State empowerment – waivers
- Stabilization of insurance market places
Medicaid Expansion Central to ACA Success

NOTES: Current status for each state is based on KCMU tracking and analysis of state executive activity. *AR, AZ, IA, IN, MI, MT, and NH have approved Section 1115 waivers.

WI covers adults up to 100% FPL in Medicaid, but did not adopt the ACA expansion.


Policy and Politics Intersect
In the meantime, pending such repeal, it is imperative for the executive branch to ensure that the law is being efficiently implemented, take all actions consistent with the law to minimize the unwarranted economic and regulatory burdens of the act...
The Process...Reconciliation

House and Senate approved budget resolution requiring $1 billion in deficit reductions from 2017 through 2026
  ◦ Ways and Means, Energy and Commerce, Finance and HELP Committees

Senate consideration of reconciliation legislation only requires a simple majority

Limits debate to 20 hours and prohibits extraneous amendments

Provides narrow path for legislation to be considered and approved with reduced procedural hurdles
ACOI Principles for Reforming the ACA

Existing coverage levels must be maintained to ensure uninterrupted continuous access to affordable high-quality care.

Prior to repealing any part of the ACA, a path forward must be clearly known to protect against adversely impacting patients and their ability to access health care services.
The New Order
Seven Years Later...

Nearly 60 votes and a veto

American Health Care Act of 2017 (H.R. 1628)

Graham-Cassidy-Heller-Johnson
BILL CASSIDY (R-LA)

“I ask, does it pass the Jimmy Kimmel test. Will a child born with a congenital heart disease be able to get everything she or he would need in that first year of life?”
The Fundamentals of the Legislative Process
“Regular Order”

Regulatory Process Implements Enacted Legislation.

President Signs Legislation into Law or Veto is Overridden.

Other Chamber Considers Same or Similar Legislation. Any Differences in Approved Legislation Must be Conferenced and Approved by Both Chambers.

Chamber Approves Legislation With or Without Amendment.

Committee Conducts Hearings and Marks-up Legislation. Committee Refers Legislation to the Full Chamber.

Bill Introduced and Assigned to Committee(s) of Jurisdiction.
Who Needs Regular Order?

Issued Executive Order

Announced plans not to make cost sharing reduction payments on October 18
### Congressional Action by the Numbers: First Session

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Source: Resume of Congressional Activity
Congressional Action by the Numbers

Source: Resume of Congressional Activity
Number of Bills Approved Since 1993

William J. Clinton 1993-2001
George W. Bush 2001-2009
Barack Obama 2009-2016
# The Tie-Breaker

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<td>J. Danforth Quale</td>
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*Source: United States Senate*
A Look Ahead...Certain to be Uncertain

- Tax Reform
- Budget
- Disaster Recovery
- ACA Repeal and Replace
- Immigration
- The Great Unknown
- 2018 Mid-Term Elections
There is Still Some Activity in Washington

Veterans Choice Program signed into law

Increased NIH funding

Chronic care legislation approved in the Senate (S. 870)

Medical liability reform legislation approved in the House (H.R. 1215)

Termination of Independent Payment Advisory Board (H.R. 849)

Government funded through December 8, 2017
Government Affairs Committee

Robert DiGiovanni, DO, Chair
Joseph Giaimo, DO
Stephen Bell, DO
Peter Meyers, DO
Seger Morris, DO
Jason Beckrow, DO
William Stephenson, DO

Megan Eshbaugh, DO
Virginia Irwin-Scott, DO
David Tolentino, DO
Kevin Wietecha, DO
Eric Good, DO
Andrew Vogel, DO
Resources

American College of Osteopathic Internists
- www.acoi.org

www.house.gov

www.senate.gov

www.congress.gov

www.regulations.gov

www.cbo.gov
Questions?
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