State Health Policy Networking Webinar

Washington Landscape

February 28, 2023

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2022 Policy Wins
2022 Achievements on Capitol Hill

• Inflation Reduction Act:
  • Funding and policies addressing climate change
  • Prescription drug affordability provisions, including drug price negotiation by Medicare, insulin pricing for Medicare beneficiaries, and zero cost sharing for vaccinations for Medicare beneficiaries
  • Three-year extension (through 2025) of enhanced subsidies for people buying their own health coverage on the Affordable Care Act Marketplaces.

• Bipartisan Safer Communities Act
  • Firearms and behavioral health funding and policy.

• FY23 Omnibus – Consolidated Appropriations Act
  • Funding and policy on a number of critical issues
  • COVID-19 and public health preparedness
Legislative Changes Impacting Physician Payment and Practice

- Increases Medicare Physician Fee Schedule payments by 2.5 percent in 2023. For services furnished in 2024, it provides a 1.25 percent payment increase. PAYGO was also addressed.
  - As a result, PFS payment rates received an across-the-board cut of 2% in 2023 instead of the 8.5% cut that was scheduled to go into effect on January 1st.
- Extends incentive payments, with a 3.5 percent Medicare Part B incentive payment, for participation in advanced alternative payment models (APMs) through 2025.
- Extends all the Medicare telehealth flexibilities that were extended for 151 days post-PHE in the FY22 omnibus through December 31, 2024. Rulemaking may still be needed.
- Eliminates requirement for health care practitioners registered to dispense controlled substances to apply for a separate waiver (the X waiver) through the DEA to dispense buprenorphine for opioid use disorder maintenance or detoxification treatment.
- Includes not less than $5,000,000 to support interoperability and information sharing efforts related to the implementation of Fast Healthcare Interoperability Resources standards or associated implementation standards.
- Authorizes $100 million for the Public Health Workforce Loan Repayment Program and requires a GAO report to address gaps.
## Estimated Specialty Impact of CY 2023 MFS Final Rule and Consolidated Appropriations Act of 2023

<table>
<thead>
<tr>
<th>Specialty</th>
<th>Allowed Charges (mil)</th>
<th>Combined Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allergy/Immunology</td>
<td>$233</td>
<td>-.2%</td>
</tr>
<tr>
<td>Anesthesiology</td>
<td>$1,749</td>
<td>-.2%</td>
</tr>
<tr>
<td>Radiologist</td>
<td>$71</td>
<td>-.2%</td>
</tr>
<tr>
<td>Cardiac Surgery</td>
<td>$199</td>
<td>-.2%</td>
</tr>
<tr>
<td>Cardiology</td>
<td>$6,331</td>
<td>-.1%</td>
</tr>
<tr>
<td>Chiropractic</td>
<td>$674</td>
<td>0%</td>
</tr>
<tr>
<td>Clinical Psychologist</td>
<td>$791</td>
<td>-.2%</td>
</tr>
<tr>
<td>Clinical Social Worker</td>
<td>$861</td>
<td>-.2%</td>
</tr>
<tr>
<td>Colon and Rectal Surgery</td>
<td>$156</td>
<td>-.2%</td>
</tr>
<tr>
<td>Critical Care</td>
<td>$354</td>
<td>1%</td>
</tr>
<tr>
<td>Dermatology</td>
<td>$3,760</td>
<td>-.1%</td>
</tr>
<tr>
<td>Diagnostic Testing Facility</td>
<td>$817</td>
<td>6%</td>
</tr>
</tbody>
</table>

### Internal Medicine

<table>
<thead>
<tr>
<th>Specialty</th>
<th>Allowed Charges (mil)</th>
<th>Combined Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gastroenterology</td>
<td>$1,595</td>
<td>-.1%</td>
</tr>
<tr>
<td>General Practice</td>
<td>$378</td>
<td>0%</td>
</tr>
<tr>
<td>General Surgery</td>
<td>$1,772</td>
<td>-.2%</td>
</tr>
<tr>
<td>Geriatrics</td>
<td>$177</td>
<td>2%</td>
</tr>
<tr>
<td>Hand Surgery</td>
<td>$256</td>
<td>-.1%</td>
</tr>
<tr>
<td>Hematology/Oncology</td>
<td>$1,713</td>
<td>-.1%</td>
</tr>
<tr>
<td>Independent Laboratory</td>
<td>$900</td>
<td>0%</td>
</tr>
<tr>
<td>Infectious Disease</td>
<td>$990</td>
<td>3%</td>
</tr>
<tr>
<td>Internal Medicine</td>
<td>$9,881</td>
<td>3%</td>
</tr>
<tr>
<td>Interventional Pain Mgmt</td>
<td>$970</td>
<td>-.3%</td>
</tr>
<tr>
<td>Interventional Radiology</td>
<td>$467</td>
<td>-.5%</td>
</tr>
<tr>
<td>Mulitspeciality Clinic/Other Phys</td>
<td>$151</td>
<td>-.1%</td>
</tr>
<tr>
<td>Nephrology</td>
<td>$2,032</td>
<td>1%</td>
</tr>
<tr>
<td>Neurology</td>
<td>$1,406</td>
<td>-.1%</td>
</tr>
<tr>
<td>Neurosurgery</td>
<td>$732</td>
<td>-.1%</td>
</tr>
</tbody>
</table>
Physician Payment Falling Short

Medicare updates compared to inflation (2001-2021)

The Medicare physician payment system needs annual inflation updates

Why is Medicare proposing payment updates in 2023 for all providers EXCEPT physicians?

Medicare provider updates for 2023

Sources: Federal Register, Medicare Trustees' Report and U.S. Bureau of Labor Statistics

*Update: CMS released proposed 2023 physician rates
Note: The source for Medicare hospital rates is a historical growth rate of 4.3%, with a proposed average growth rate of 0.7% for 2023.
Note: The source for Medicare physician rates is the Medicare Economic Index, which has a current growth rate of 0.7%.
Potential adjustments for quality and performance metric for all provider types.
118th Congress
2022 Elections

Senate: Dems win

The Democrats held onto Georgia, meaning they protected every blue seat on the ballot this year - and then flipped Pennsylvania to expand the majority.

Scott Bland, Politics editor

House: GOP wins

Republicans have seized control of the House, but their smaller-than-expected margin means the chamber will be firmly up for grabs again in two years.

Steve Shepard, Politics editor

https://www.politico.com/2022-election/results/
Comparison of 117th and 118th Congress

<table>
<thead>
<tr>
<th></th>
<th>117th Congress, 2nd Session</th>
<th>118th Congress, 1st Session</th>
</tr>
</thead>
<tbody>
<tr>
<td>Senate Democrats</td>
<td>50 (48, 2 Independents)</td>
<td>51 (48, 3 Independents)</td>
</tr>
<tr>
<td>Senate Republicans</td>
<td>50</td>
<td>49</td>
</tr>
<tr>
<td>House Democrats</td>
<td>218 (4 vacancies)</td>
<td>212 (1 Vacancy, election pending)</td>
</tr>
<tr>
<td>House Republicans</td>
<td>213</td>
<td>222</td>
</tr>
<tr>
<td>Women</td>
<td>147 (24 Senate, 123 House)</td>
<td>149 (25 Senate, House vacancy)</td>
</tr>
<tr>
<td>African American</td>
<td>59 (56 House, 3 Senate)</td>
<td>60 (57 House, 3 Senate)</td>
</tr>
<tr>
<td>Hispanic</td>
<td>54 (48 House, 6 Senate)</td>
<td>54 (48 House, 6 Senate)</td>
</tr>
<tr>
<td>Asian American/Pacific Islander</td>
<td>21 (16 Rep, 3 Del, 2 Senate)</td>
<td>21 (16 Rep, 3 Del, 2 Senate)</td>
</tr>
</tbody>
</table>
Racial and ethnic diversity continues to grow in Congress

Number of non-White U.S. House and Senate members by race and ethnicity

- Black
- Hispanic
- Asian American
- American Indian and Alaska Native

Note: The data does not include nonvoting delegates or commissioners. Figures for the 118th Congress are as of Jan. 3, 2023. Hispanics are of any race. Members who have more than one racial or ethnic identity for the above groups are counted in each applicable group. Figures for the 117th Congress were as of Jan. 26, 2021.

Source: Congressional Research Service, CQ Roll Call, Brookings Institution.

PEW RESEARCH CENTER
2023 ACP Public Policy Priorities
NOTE: Judicial advocacy is another avenue of our work, but not as large of a “bucket” — could be considered as part of our state advocacy (although it is not limited to that area).
ACP’s Priority Themes

Membership Growth and Engagement
Goal: Engage more members in College activities and increase ACP membership, value and pride through a focus on members within 5 years of residency graduation

Valued Professional Identity
Goal: Increase enthusiasm and pride about being an internist, and about the value IM specialists and subspecialists bring to healthcare, through increased visibility

Innovation and Strategic Alignment
Goal: Align activities and resources with strategic priorities to leverage and enhance ACP’s potential to deliver new, valuable and relevant programs and products

Diversity, Equity and Inclusion
Goal: Achieve a just, equitable and inclusive culture at ACP by promoting and advancing DEI values through intentional initiatives, policies and actions to be anti-racist
Policy Prioritization Approach

- Needs of the Internal Medicine profession/ACP members
- ACP Strategic Priorities
  - Valued Professional Identity
  - Membership Growth and Engagement
  - DEI
  - Innovation
- Environmental Feasibility/Opportunities for Action
ACP Policy Priorities for 2023

• ACP policy priorities are based on policies approved by Governance.

• ACP identifies 10 issues as priorities in 2023.

• ACP staff advocates for priorities as opportunities arise, political climate, bipartisan support or can be attached as amendment or rider to something that might pass, such as a spending bill.

• Some issues, such as women's reproductive health, firearm safety and scope of practice, will see more action at the state level.
ACP Policy Priorities for 2023

• Behavioral Health
• Health Care Access and Coverage – focus on Medicaid and telehealth
• Physician Payment and Delivery System Reform
• Patients Before Paperwork – focus on prior authorization reform
• Health and Workforce Equity – as a cross-cutting and standalone issue
• COVID-19 and Public Health Preparedness
• Prescription Drug Affordability
• Firearm Violence Prevention
• Reproductive Health Care
• Climate Change
ACP Advocacy Resources
Advocacy Toolkits for ACP Members

State Health Policy

ACP's State Health Policy program helps internal medicine physicians gain influence in their state capitols on issues affecting them and their patients. Learn more below about key policy issues impacting states, how ACP members can take action, and other available tools and resources.

- Understanding Advocacy and Why We Do It: A Comprehensive Toolkit (ACP member login required)
- ACP's Vision for the U.S. Health Care System
- Education and Events
- Advocacy Services and Support from the Washington Office
  - Questionnaire: Advocacy Assistance Request Form

SPOTLIGHT BRIEF - Toolkit: Reproductive Health: The Impact of the U.S. Supreme Court Striking Down Roe v. Wade

In the wake of the U.S. Supreme Court decision to overturn Roe v. Wade, ACP has prepared this toolkit to assist ACP members in navigating issues surrounding abortion rights and related policies in their state. For members wishing to engage on this issue and take action at the state level, you can access the campaign and materials here. Read Brief

MORE RESOURCES
- An Update to ACP's Women's Health Policy in the United States 8-19-2022
- More Than 75 Health Care Organizations Release Joint Statement in Opposition to Legislative Interference (6-17-2022)

Public Health

Social Justice Reform

Physician Payment and the Practice Environment
Urge Congress to Support Medicaid/Medicare Payment Parity for Primary Care!

Internal medicine physician specialists providing primary and comprehensive care continue to face significant financial pressures as a result of the COVID-19 global pandemic but also because Medicare, Medicaid and other payers have long undervalued evaluation and management (E/M) services (office visits and other non-procedural services). Even before the pandemic, physician practices faced increasing costs and payments that did not keep up with inflation.

ACP supports legislation that has been introduced in both chambers of Congress that would provide pay parity for primary care services under Medicare and Medicaid. View joint letters of support for H.R. 1025 (the Kids Access to Primary Care Act) and S. 1833 (the Ensuring Access to Primary Care for Women and Children Act). Despite the titles of the bills, the pay parity for primary care services would apply to all adult patients as well as children. We are urging AIMn members to engage with us, as part of a broad-based coalition effort, and urge their members of Congress to cosponsor these bills and pass them in both chambers. This was one of
Advocates for Internal Medicine Network

Join more than 15,000 colleagues in the Advocates for Internal Medicine Network (AIMn) in advocating for the interests of internal medicine in Washington, D.C. The AIMn program is for ACP members interested in participating in federal advocacy. It is designed to help members engage with their federal lawmakers on policy issues important to ACP and internal medicine.

Follow @AdvocatesIM

Enroll Now
Save the Date: 2023 ACP Leadership Day

May 23-24, 2023 – Washington, DC
Thank you!
We look forward to your questions.