

**EDPMA
UPDATE:
ADVOCACY
IN ACTION**

Emergency Department
EDPMA
Practice Management Association

EMerald Coast Conference – JUNE 2024



Emergency Department
EDPMA
Practice Management Association

**The Trade Association for
Emergency Medicine**

The trade association who advocates for emergency medicine physician groups and their practice partners to enhance quality patient care through operational excellence and financial stability.

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MEMBERS**



- EM Physician Groups
- RCM Companies
- Supporting Organizations
- The member is the Company and employees receive the member benefits.

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Strategic Priorities

- Advocate
- Educate
- Connect

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Agenda

- NSA Update & Advocacy Opportunities
- Medicare Reform
- State-Level Opportunities

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NSA Update & Advocacy Opportunities


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Payer Behavior
Leading
Up to NSA



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Affordable
Care Act



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Narrow
Networks
Surprise
Coverage Gaps



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No Surprises Act (NSA)

Summary: H.R. 3615 - 116th Congress (2019-2020)
There is one sponsor for H.R. 3615, 811 introduced on 08/01/2019 by CBO.
Show more (click on the number to show details)

No Surprises Act

The bill requires the Secretary of Health and Human Services to develop a model contract for the health plan industry and to require health plans to use the model contract. The bill also requires the Secretary to develop a model contract for the health plan industry and to require health plans to use the model contract. The bill also requires the Secretary to develop a model contract for the health plan industry and to require health plans to use the model contract.

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NSA Enforcement

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NSA Overview

- o Law Passed in December of 2020
- o Went into effect for DOS January 1st, 2022
- o Chaotic administrative rollout
- o ACEP and EDPMA Task Force

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TMA Filed Four Lawsuits DOJ is Appealing Two

JAN 2023	TMA IV (\$350 admin fee, narrow batching rules)	Aug. 2023 sides with TMA, DOJ does <u>not</u> appeal
NOV 2022	TMA III (QPA methodology, limited QPA disclosures)	Aug. 2023 largely sides with TMA, DOJ partially appeals
SEPT 2022	TMA II ("procedural rules" favoring QPA)	Feb. 2023 sides with TMA, DOJ appeals
OCT 2021	TMA I (QPA rebuttable presumption)	Feb. 2022 sides with TMA, DOJ does <u>not</u> appeal

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Advocacy Opportunities

- o IDR Operations Final Rule
- o QPA
- o Congressional Oversight

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Medicare Reform

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In the Beginning...





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Timeline of Major Provisions Impacting the Medicare Physician Fee Schedule

Congressional legislation and federal programs related to physician payment (1985-2024)

1985-1994	1995-2004	2005-2014	2015-2024
<ul style="list-style-type: none"> (1989) Congress introduced the first physician fee schedule under the Omnibus Budget Reconciliation Act of 1989 (1991) AMA/Specialty Society RUC Update Committee (RUC) established (1992) Physician fee schedule phased into use 	<ul style="list-style-type: none"> (1997) SGR formula introduced under the Balanced Budget Act of 1997 (2002-2004) Congress acted twice to avoid a reduction in fees under the SGR, including 2 temporary increases to physician payments 	<ul style="list-style-type: none"> (2006-2014) Congress acted 15 times to avoid a reduction in fees under the SGR, including 8 temporary increases to physician payments 	<ul style="list-style-type: none"> (2015) Congress passed the Medicare Access and CHIP Reauthorization Act (MACRA) of 2015 (2017) Quality Payment Program (QPP) launched (2019) Bonus payments for A-69% clinicians began (2021-2023) Congress provided 4 temporary increases to physician payments to avoid a reduction in fees for years 2021-2024 (2024) CMS finalized a 1.25% decrease to physician payments for 2024


KFF

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Medicare physician payment is NOT keeping up with inflation.

Medicare updates compared to inflation (2001-2023)


Adjusted for inflation in practice costs, Medicare physician payment declined 36% from 2001 to 2023.



We need to fix Medicare physician payment NOW.

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Targeted Approach



- Change threshold for Medicare spending vs. prior that invokes budget neutrality
- Reduce number of items in PFS that are included in accounting of Part B spending
- Waive budget neutrality completely
- Index Part B payments to MEI or other annual inflationary adjustment
- Prohibit any changes by the Administration to the recommendations of the RUC for PFS CF calculation

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Advocacy Opportunities

- Congressional interest HR 2474 and HR 6545
- Grassroots advocacy
- Long-term overhaul

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State-Level Opportunities

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2024 State Advocacy Priorities

Main Priorities:


- o Surprise Medical Billing
- o Prudent Layperson
- o Telehealth
- o Medicaid Reimbursement
- o Network Adequacy

Current Activities:

- o **Arizona** – Strengthened prudent layperson definition
- o **Connecticut** – Increased Medicaid rates for specialty providers
- o **Connecticut** – Down-coding protections
- o **Colorado** – Updated surprise billing language around batching requirements
- o **Florida** – IDR fix and insurance card transparency

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All Politics Are Local



Identify your state officials

Do you know someone already?
Or know some who has a connection?


What is their background?

Do they serve on important committees or have leadership roles?


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Questions?

Your Feedback is Important to Us!



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