

May 15, 2015

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NEXT WEEK IN WASHINGTON...

- * On Tuesday, May 19, the House Ways and Means Health Subcommittee will hold a hearing on “Improving Competition in Medicare: Removing Moratoria and Expanding Access”
- * On Wednesday, May 20, the House Energy and Commerce Committee will debate the 21st Century Cures Act
- * Also on May 20, the House Ways and Means Oversight Subcommittee will hold a hearing titled “Examining the Use of Administrative Actions in the Implementation of the *Affordable Care Act*”
- * On Thursday, May 21, the House Energy and Commerce Oversight Subcommittee will hold a hearing on opioid abuse issues.

1. FAMILY MEDICINE VISITS CAPITOL HILL

Last week, over 200 advocates convened in Washington, DC to learn about and advocate for legislative issues affecting family medicine. The first day, participants took a deep dive into such topics as the value of primary care, physician workforce, family caregivers, and health information technology. The second day of the conference, participants met with a total of 243 Congressional legislators and their staff (83 Senate and 160 Representatives).

2. SENATE FINANCE COMMITTEE REVISITS CHRONIC CARE

On Thursday, May 14, the Senate Finance Committee held a hearing entitled: “A Pathway to Improving Care for Medicare Patients with Chronic Conditions.” This hearing focused exclusively on Medicare.

In his opening statement, Chairman Orrin Hatch (R-UT) highlighted his view (reiterated by several other Committee members) that private Medicare Advantage plans outperform traditional Medicare in encouraging providers to coordinate care for those with chronic illness. He stated, “Traditional fee-for-service Medicare still fails to properly incentivize providers who engage in labor and time-intensive patient care coordination.” Sen. Hatch also asked the witnesses about the transitional care management (TCM) codes and chronic care management

(CCM) codes, noting that their use was relatively low. Patrick Conway, MD, Acting Principal Deputy Administrator of CMS, responded that the agency was “trying to boost” the uptake of the TCM code, while acknowledging that it was “not as robust as we would have liked.” With respect to the CCM code, Dr. Conway noted that it had just gone into effect in January, and that CMS is still educating providers on how and when to use it. During another exchange, Mark Miller, Executive Director, Medicare Payment Advisory Commission (MedPAC), apprised the committee of MedPAC’s March 2015 recommendation that Congress extend the Medicare Primary Care Incentive Payment (PCIP), currently set to expire on December 31, 2015.

The hearing also included the announcement of a new formal bipartisan working group of the Finance Committee, to be co-chaired by Sen. Johnny Isakson (R-GA) and Sen. Mark Warner (D-VA), which will gather stakeholder feedback, and ultimately draft legislation for the committee’s consideration in the fall.

3. LEGISLATION TO SUPPORT NIH AND FDA RESEARCH MOVES FORWARD

On May 14, the House Energy and Commerce’s Subcommittee on Health approved its “21st Century Cures (Cures)” legislation to promote medical innovation. The Energy and Commerce Committee will debate the bill this week. “Cures” reauthorizes the National Institutes of Health (NIH) and establishes a \$10 billion innovation fund to support biomedical research. The legislation would require the Advisory Committee on Immunization Practices and the Centers for Disease Control and Prevention to operate under more formal timelines and to establish official processes for engaging vaccine developers. The bill also addresses the interoperability of electronic health records (EHRs) by strengthening vendor certification standards and allowing the federal government to provide a hardship exemption to eligible professionals for up to five years if their systems do not meet new requirements.

The bill would require the Centers for Medicare and Medicaid Services (CMS) and the Medicare Payment Advisory Committee to analyze and report to Congress on ways Medicare could expand telehealth reimbursement. The legislation bill would allow drug plans in Part D and Part C to develop safe prescribing and dispensing plans for beneficiaries who are prescribed a high volume of controlled substances. These plans could restrict the pharmacy to which a physician could submit a prescription for a specific high-use patient. Such a provision, also known as “pharmacy lock in,” would be designed to monitor the patient’s use of controlled substances.

The Senate Health, Education, Labor and Pensions plans to move forward with its own medical innovations bill in late-2015 or early 2016.

4. AAFP COMMENTS ON CERVICAL CANCER PROPOSAL

In a [letter](#) sent May 11, the AAFP offered strong support for the CMS proposed decision memo for screening for cervical cancer with human papillomavirus (HPV) testing. The proposed coverage is consistent with the AAFP’s recommendation for cervical cancer screening and in agreement with the United States Preventive Services Task Force’s recommendation to cover cervical cancer screening with cytology (pap smear) every 3 years for women 21-65 years of age and an option for women 30-65 to spread screening out to every 5 years with a combination of cytology and HPV testing.

5. FAMILY PHYSICIAN NOMINATED TO CMS EDUCATION PANEL

On May 15, the AAFP nominated Alvia Siddiqi, MD, FFAFP to serve on the Health Insurance Marketplace, Medicare, Medicaid, and Children’s Health Insurance Programs Advisory Panel on Outreach and Education. This panel makes recommendations on the implementation of national Medicare education programs

6. AAFP NOMINATES TWO FAMILY PHYSICIANS TO VA ADVISORY COMMITTEE

On May 15, the AAFP nominated Lori Heim, MD, FAAFP, USAF COL (r) and Evelyn Lewis&Clark, MD, MA, FAAFP, USN COL (r) to fill vacancies on the Department of Veterans Affairs' Advisory Committee on Minority Veterans. This committee advises on VA benefits and services to minority veterans and assesses the needs of minority veterans with respect to such benefits.

7. AAFP NOMINATIONS SENT FOR U.S. PREVENTIVE SERVICES TASK FORCE

On May 13, the AAFP submitted nominations for the U.S. Preventive Services Task Force (USPSTF). The AAFP nominated John Wilson Epling, Jr., MD, MEd, FAAFP; Patricia Fontaine, MD, MS; and Valerie J. King, MD, MPH this year. The AAFP believes their appointment to the USPSTF will support its mission since they demonstrate expertise and national leadership in many areas including critical evaluation of research published in peer reviewed literature, clinical prevention, health promotion and primary care.

8. ADVANCE CARE PLANNING LETTER OF SUPPORT SENT TO HHS

On May 12, the AAFP and others sent a [letter](#) to HHS urging the inclusion of advance care planning (ACP) services in the 2016 proposed MPFS. The letter discussed the existing CPT codes 99497 and 99498 and how published, peer-reviewed research shows that ACP leads to better care, higher satisfaction for patients and families, fewer unwanted hospitalizations, and lower rates of caregiver distress, depression and lost productivity.

9. FamMedPAC ENJOYS GREAT SUCCESS AT FMCC, SUPPORTS SEVERAL EVENTS

FamMedPAC had a very visible presence during last week's Family Medicine Congressional Conference in Washington, DC. The PAC collected \$20,365 in donations from the attendees. This is the highest amount ever received during the FMCC. The PAC also co-sponsored the opening reception, in which Representative Robin Kelly (D-IL) delivered remarks.

During the week, the PAC also supported several events with AAFP members able to attend the events. The PAC supported the following legislators last week:

- **Sen. Patty Murray (D-WA)** is the senior Democrat on the Labor-HHS Subcommittee of the Senate Appropriations Committee. Washington Academy of Family Physicians President Tony Butruille, MD and Chapter Executive Director Karla Pratt attended the event in Washington, D.C.
- **Rep. Steve Stivers (R-OH)**, a member of the House Rules Committee, holds an annual lunch for the physician community in Washington, DC. Members of the Republican Physicians Caucus, including **Rep. Dan Benishek (R-MI)**, **Rep. Charles Boustany (R-LA)**, **Rep. Andy Harris (R-MD)**, **Rep. Joe Heck (R-NV)**, and **Rep. Brad Wenstrup (R-OH)** attended. Dr. Sarah Sams, a family physician from Rep. Stivers' district in Ohio, and a member of the Commission on Governmental Advocacy, attended the event.
- **Rep. Diana DeGette (D-CO)** is a member of the House Energy and Commerce Committee.
- **Rep. Steny Hoyer (D-MD)** is the Democratic Whip in the House.

10. REGULATORY BRIEFS

- On May 11, the Departments of Health and Human Services, Labor and the Treasury issued [guidance](#) to clarify consumers' rights to coverage of preventive services under the *Affordable Care Act*. The FAQs address specific coverage questions and ensure that plans provide the recommended preventive services without cost sharing as required under the rules. The FAQs provide clarifications regarding BRCA testing, contraception, sex-specific recommended preventive services, recommended preventive services for dependents covered under the plan or policy, and colonoscopies.

- On May 12, the FDA issued draft [guidance](#) that revises blood donor deferral recommendations for individuals at increased risk for transmitting HIV.
- On May 14, HHS [released](#) statistics indicating that about 137 million individuals, including 55 million women and 28 million children, have private health insurance that covers recommended preventive services without cost sharing.
- CMS will host the following free educational calls, [registration](#) is required:
 - 2014 Mid-Year QRURs, June 3, 1:30pm ET
 - Medicare Shared Savings Program ACO: Application, June 9, 2:30pm ET
 - National Partnership to Improve Dementia Care and QAPI, June 16, 1:30pm ET
 - Hospice Quality and Hospice Item Set Manual V1.02, June 17, 1:30pm ET
 - ICD-10: Preparing for ICD-10-PCS Section X, June 18, 1:30pm ET