

October 9, 2009

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COMING UP IN WASHINGTON...

- * October 13: Senate Finance Committee to vote on health reform
- * October 14: Senate Judiciary Hearing on Anticompetitive Conduct in the Health Insurance Industry
- * Week of Oct. 19: Senate scheduled to begin debate on health reform
- * Week of Oct. 26: House scheduled to begin debate on health reform

1. PRESIDENT OBAMA MEETS WITH AAFP LEADERS AT THE WHITE HOUSE

Drs. Jim King, Ted Epperly and Lori Heim, AAFP's Board Chair, President and President-elect, met with President Obama in the Oval Office and then participated in the event at the White House Rose Garden on Monday, October 5. The White House had invited doctors from across the country including representatives from the American Medical Association, the National Medical Association, the Family Physicians, the American College of Physicians, the Doctors for America, American Academy of Pediatrics, and American College of Cardiology.

The President told the AAFP leaders that physicians are highly trusted and respected by the American public, putting doctors in an ideal position to advocate on behalf of health care reform. Dr. Epperly reported that he told the president that the AAFP supports providing coverage to all Americans and that the country needs more primary care physicians or it will no longer have a viable health care system.

During his Rose Garden speech, President Obama noted that the health care reform bills now pending in the House and Senate include "proposals to provide loan forgiveness for primary care physicians who chose to practice in rural and underserved areas." He also said that the administration is working to fix the Sustainable Growth Rate formula.

He told the doctors that "since I've talked to enough doctors who feel they're forced to practice defensive medicine, I've also directed my Secretary of Health and Human Services to move forward with programs that will help us put patient safety first while still allowing doctors to focus on practicing medicine."

2. CBO FINDS THE FINANCE COMMITTEE BILL REDUCES FEDERAL DEFICIT

The Congressional Budget Office (CBO) and the staff of the Joint Committee on Taxation (JCT) issued [a preliminary analysis of the Senate Finance Committee Chairman's mark for the America's Healthy Future Act of 2009](#). The analysis, known as the CBO score, found that enacting the amended bill would result in a net reduction in federal budget deficits of \$81 billion between 2010 and 2019. Although CBO acknowledged that the estimates are all subject to substantial uncertainty, legislators supporting health reform welcomed the news.

Under the bill, CBO and JCT estimate, the number of nonelderly people who are uninsured would be reduced by about 29 million by 2019, leaving about 25 million nonelderly residents uninsured (about one-third of whom would be unauthorized immigrants). Under the proposal, the share of legal nonelderly residents with insurance coverage would rise from about 83 percent currently to about 94 percent.

3. SENATE COMMITTEE APPROVES NOMINATION OF SURGEON GENERAL NOMINEE

The Senate Health, Education, Labor and Pensions (HELP) Committee on Wednesday, October 7, approved by voice vote the nomination of Regina Benjamin, MD to be the surgeon general. Her nomination now heads to the full Senate. AAFP has called for "an expeditious vote to confirm Dr. Benjamin as U.S. Surgeon General."

Dr. Benjamin is the founder and CEO of the Bayou La Batre Rural Health Clinic in Alabama. She chaired the Federation of State Medical Boards of the United States and was the associate dean for Rural Health at the University of South Alabama's College of Medicine. In 2002, Benjamin became the first African-American woman to be president of a state medical society when she was chosen to lead the Medical Association of Alabama. She also was the first African-American woman and physician under 40 to be elected to the American Medical Association Board of Trustees. She received the Nelson Mandela Award for Health and Human Rights in 1998.

4. HOUSE COMMITTEE PASSES MILITARY MEDICAL MALPRACTICE BILL

On Wednesday, October 7, the House Judiciary Committee approved the *Carmelo Rodriguez Military Medical Accountability Act* (HR 1478) on a party-line vote of 14 to 12. The bill seeks to reverse a 1950 Supreme Court decision, *Feres v. United States*, which ruled that members of the armed services do not have a right to file lawsuits against the military for injuries or deaths caused by negligence. The bill, which was named after an Iraq war veteran who died in 2007 at the age of 29 after military physicians allegedly misdiagnosed his skin cancer, would not apply the right to sue to medical treatment received on the battlefield.

The Judiciary Committee also broke on party lines to reject an amendment by Rep. Steve King (R-IA) to cap attorneys' fees in military malpractice cases at 15 percent of judgments and 10 percent of settlements.

5. FamMedPAC PARTICIPATES IN TWO HEALTH CARE EVENTS

The AAFP's political action committee hosted meetings with two legislators who are helping the leadership produce a combined health reform bill for floor consideration at the end of the month.

- **Rep. Dennis Cardoza (D-CA)**, who serves on the Rules Committee and is a member of the Blue Dogs. The congressman painted a very bleak picture of the nation's economy noting that it is in worse shape than popularly assumed and that another wave of foreclosures (commercial real estate) is approaching. Depending on the timing and magnitude, health care legislation could be affected. He believes the House will approve a bill but he does not think it will look anything like HR 3200. In fact, he believes it will be much smaller. He did admit that some Democrats are

still reluctant to vote on a bill if the Senate bill is going to be the only legislation seriously considered. But he declined to predict if the House would wait for the Senate, saying he thinks a bill will be on the House floor when the Speaker has the votes. He is struggling with the public option and believes the best solution would be to allow the states to create one if they so choose. If the feds create one, it should not be benchmarked to Medicare but should rather be structured to allow negotiated rates with providers. The Blue Dogs are concerned about the cost of any health care bill in the second ten years. He said that the Rules Committee will consider and amend the package obviously with considerable input and guidance from the leadership team. He urged family physicians to keep in close contact with the Congressional legislators themselves since during the “negotiation” process, aides typically are not in the room. AAFP representatives urged him to continue to fight for the SGR provisions included in the House bill and stressed the value and importance of the provision that raises Medicaid reimbursement to parity with Medicare. He assured participants that Congress needs to do something to address the primary care workforce problem.

- **Rep. Carolyn McCarthy (D-NY)**, a former nurse who serves on the House Education and Labor Committee, one of the Committees that produced a health reform bill. Rep. McCarthy is a supporter of Title VII funding and primary care. She predicted that substantive health reform legislation would pass and be on the President’s desk before the end of the year. She is hopeful that many provisions of the House bill will be retained in a conference with the Senate. . She is also very supportive of provisions in the House bill intended to increase the supply of primary care providers. AAFP representatives urged her to fight to retain the Medicare payment provisions in the House bill. She feels there is a lot of support in her district for health reform and that the House bill will benefit her constituents.