

March 9, 2012

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NEXT WEEK IN WASHINGTON...

- * The House will be in recess next week and will reconvene on March 19.
- * On Monday, CMS will conduct a conference call on the proposed Meaningful Use Stage 2 regulation.
- * On Wednesday, CMS will host a call on the value based payment modifier program. Details for both calls are found in the regulatory briefs.

1. SURGEON GENERAL RELEASES REPORT ON TOBACCO USE

Dr. Regina Benjamin, Surgeon General and family physician, released a [report](#) on Thursday, March 8, entitled *Preventing Tobacco Use Among Youth and Young Adults*. The major conclusions of this report are

1. Cigarette smoking by youth and young adults has immediate adverse health consequences, including addiction, and accelerates the development of chronic diseases across the full life course.
2. Prevention efforts must focus on both adolescents and young adults because among adults who become daily smokers, nearly all first use of cigarettes occurs by 18 years of age (88%), with 99% of first use by 26 years of age.
3. Advertising and promotional activities by tobacco companies have been shown to cause the onset and continuation of smoking among adolescents and young adults.
4. After years of steady progress, declines in the use of tobacco by youth and young adults have slowed for cigarette smoking and stalled for smokeless tobacco use.
5. Coordinated, multicomponent interventions that combine mass media campaigns, price increases including those that result from tax increases, school-based policies and programs, and statewide or community-wide changes in smokefree policies and norms are effective in reducing the initiation, prevalence, and intensity of smoking among youth and young adults.

The AAFP was invited to send a representative to the release of the document and to discuss the steps to be taken to implement the report's recommendations.

2. HHS SECRETARY TAKES FY 2013 BUDGET TO APPROPRIATIONS COMMITTEES

As the House Budget Committee struggles with the decision about reducing spending limits for FY 2013 below those set by last summer's *Budget Control Act* (BCA), HHS Secretary Kathleen Sebelius, presented President Obama's FY 2013 budget which meets the targets set by the BCA. The Secretary has been criticized because the budget proposal met those targets, in part, by eliminating federal funding for the Area Health Education Centers (AHEC), which attempt to improve the supply and distribution of healthcare professionals, especially primary care providers, through community/academic educational partnerships, and the Health Careers Opportunity Program (HCOP), which is a program to assist disadvantaged individuals enter and graduate from a health or allied health professions program..

HOUSE: On March 6, Secretary Sebelius testified before the House Labor-HHS-Education Appropriations Subcommittee. The senior Democratic member, Rep. Rosa DeLauro (D-CT), expressed regret at the proposed \$3.4 billion cut from the HHS FY 2010 funding level and noted cuts proposed in health professions grants programs and Children's Hospital Graduate Medical Education (CHGME) program. Rep. Norm Dicks (D-WA) noted the importance of primary care and applauded the work of Community Health Centers. Rep. Kay Granger (R-TX) asked the Secretary to justify the proposed cuts to CHGME, and the Secretary said that HHS funding for Teaching Health Centers and Primary Care Enhancement (the new name for the Title VII, Section 747 program) are priorities under the ACA, and pediatric training will benefit indirectly from these programs. Rep. Jesse Jackson (D-IL) regretted the proposal to eliminate HCOP, but the Secretary pointed out that there \$50 million is available in the form of scholarships for minorities, that the National Health Service Corps continues to support service in underserved communities, and that primary care funds are being evaluated to provide streams for those from underserved communities.

SENATE: The Chairman of the Senate Labor-HHS-Education Appropriations Subcommittee, Senator Tom Harkin (D-IA), opened the March 7 hearing by praising the implementation of the *Affordable Care Act* (ACA) but lamenting the cut in ACA's preventive health fund used to offset the most recent short-term extension of the Medicare physician payment formula. Sen. Barbara Mikulski (D-MD) urged HHS to devote resources to training health professionals. Sens. Lamar Alexander (R-TN) and Lindsey Graham (R-SC) raised concerns about Medicaid costs. Low-birth and pre-term babies were the focus of Sen. Sherrod Brown (D-OH). Sen. Herb Kohl (D-WI) asked that HHS expedite the implementation of the *Physician Payment Sunshine Act*, and the Secretary said that the agency will be publishing a rule later this year. Sen. Mark Pryor (D-AK) asked the Secretary to describe the status of Health Insurance Exchanges and expressed disappointment at the elimination of the AHEC program. Cuts to Critical Access Hospitals worry Sen. Jerry Moran (R-KS).

3. AAFP BOARD MEMBERS MEET WITH THEIR CONGRESSIONAL LEGISLATORS

The AAFP Board of Directors took time out of their meeting this week in Washington, DC, to meet individually with their Senators and Representative in Congress to make the case for steady funding for Health Professions Grants and the National Health Service Corps in this time of budget pressures. In addition, they asked legislators to support the *Primary Care Workforce Access Improvement Act* (HR 3667), which Rep. Cathy McMorris Rogers (R-WA) and Mike Thompson (D-CA) have introduced and which would create a pilot program to demonstrate direct GME funding for non-hospital medical training sites. And of course they continued to press legislators to repeal the Medicare Sustainable Growth Rate (SGR) formula and use unspent war fighting funds to offset the cost.

During the Board meeting, Rep. Allyson Schwartz (D-PA) joined the session and discussed how Congress could work to replace the SGR with a formula that paid higher rates for primary care until alternative payment models, not based solely on fee-for-service, could be implemented.

4. HOUSE COMMITTEES PASS IPAB REPEAL MEASURE

After a short debate on March 6, the House Energy and Commerce Committee by voice vote passed the *Medicare Decisions Accountability Act* (HR 452) which seeks to abolish the 15-person Independent Payment Advisory Board (IPAB) established by the *Affordable Care Act*. Subsequently, on March 8, the Ways and Means Committee also approved the *Medicare Decisions Accountability Act* by voice vote. The Congressional Budget Office estimates that enacting HR 452 would cost \$3.133 billion over ten years. The House will likely consider the bill in the next few weeks. Reportedly, the House Republican leaders have decided to include medical liability reform as a way to pay for the repeal of the IPAB. If that occurs, it practically guarantees the loss of all Democratic support and it would make passage difficult in the Senate.

5. HOUSE PANEL DEBATES PRESCRIPTION DRUG ABUSE

On Wednesday, March 7, the House Judiciary Subcommittee on Crime, Terrorism and Homeland Security held a hearing on the abuse of prescription drugs. The subcommittee Chairman, Rep. James Sensenbrenner (R-WI), characterized prescription drug abuse as “an epidemic” that needs to be remedied. Rep. Harold Rogers (R-KY) told the subcommittee that he would introduce legislation in the coming weeks that would support Justice Department efforts to improve communication among states and their monitoring of prescription drug use. Rep. Mary Bono Mack (R-CA) urged the subcommittee to consider her legislation, the *Ryan Creedon Act* (HR 2119), which would require that physicians be trained on the dangers of addiction to painkillers before they would be allowed to prescribe them.

6. FAMMEDPAC UPDATE

FamMedPAC participated in four meetings in Washington, D.C. this week, two for campaign committees and two for legislators.

- **Sen. Tom Harkin (D-IA)** chairs the Appropriations Subcommittee that has jurisdiction over health programs and the Health, Education, Labor and Pensions (HELP) Committee, both of which handle health care issues important to AAFP. Dr. David Carlyle, a member of the FamMedPAC Board of Directors from Iowa, was in Washington and attended the event with GR staff.
- **Rep. Jan Schakowsky (D-IL)** serves on the Health Subcommittee of the House Energy and Commerce Committee. The PAC check was delivered by members of the Illinois AFP this week.
- **National Republican Congressional Committee**, which is the campaign committee of the Republican Members of the House of Representatives. GR Staff attended a health care luncheon that featured several of the Republican physician House members.
- **Democratic Senatorial Campaign Committee** is the campaign committee for Democrats in the Senate. GR staff attended a reception and spoke with Senators Tom Harkin (IA), Bernie Sanders (VT), Tom Carper (DE) and Mark Warner (VA).

7. REGULATORY BRIEFS

- On March 5, HHS released a [report](#) indicating that the Affordable Care Act eliminated lifetime limits on coverage for more than 105 million Americans. HHS estimates that 70 million people in large employer plans, 25 million people in small employer plans, and 10 million people with individually purchased health insurance had lifetime limits on their health benefits prior to the passage of the *Affordable Care Act*.
- On March 7, CMS [announced](#) the redesign of the statement that informs Medicare beneficiaries about their claims for Medicare services and benefits. The redesigned

statement, known as the Medicare Summary Notice (MSN), will be available online and, starting in 2013, mailed out quarterly to beneficiaries. CMS posted a side-by-side [comparison](#) of the former and redesigned MSNs.

- On March 8, the U.S. Surgeon General released a [report](#) indicating more than 600,000 middle school students and 3 million high school students smoke.
- On March 12 from 12:30 – 2pm ET, CMS will host an educational call on the Stage 2 Requirements for the Medicare and Medicaid Electronic Health Record (EHR) Incentive Programs. [Registration](#) will be required and more information about this call is expected.
- On March 14 from 1:30-3pm ET, CMS will host a national conference call titled, “Physician Value-Based Payment Modifier Program: Experience from Private Sector Physician Pay-for-Performance Programs.” [Registration](#) is required. A slide [presentation](#) will be posted before the call.
- On March 20 from 1:30-3pm ET, CMS will host a call on the Physician Quality Reporting System & Electronic Prescribing Incentive Program. [Registration](#) is required.
- On March 29 from 1pm – 2pm ET, CMS will conduct a video streaming event launching a new initiative to improve behavioral health and reduce the use of antipsychotic medications in nursing homes residents. [Registration](#) is required.

8. WISCONSIN AFP OPPOSES ABORTION SERVICES MANDATES

Last month, the Wisconsin Senate approved legislation ([Senate Bill 306](#)) that would mandate several controversial treatment protocols related to abortion services. The proposal requires physicians to determine if a woman seeking an abortion is being forced to terminate the pregnancy. The bill defines informed consent as a physician privately discussing the procedure with the patient at least 24 hours in advance and providing her with Wisconsin Department of Health brochures on abortion procedures, alternatives to abortion and services available for victims of domestic violence. The legislation also requires physicians to perform an on-site physical examination before providing an abortion-inducing drug and be in the room when the drug is given to a patient. The patient further must have a follow-up visit with the practice 12 to 18 days later. Further, the bill criminalizes the practice of medicine by imposing felony charges on any physician who fails to follow procedures prescribed under the bill, granting standing to press charges to the patient, the parents of a minor who is given an abortion-inducing drug, or the father of an unborn child not conceived through rape or incest.

The Senate passed the bill on a partisan 17-16 vote. The legislation is now under consideration by the State Assembly. With the current legislative session scheduled to end on March 15, the **Wisconsin AFP** is concerned that the Assembly could take action on SB 306 or the Assembly version, [AB 371](#), at a moment’s notice. The WAFP sent members an alert through Speak Out asking them to urge their Wisconsin Representative to oppose SB 306 and AB 371. Thirty-eight members had responded to the alert, as of Friday afternoon.

9. KANSAS AFP OPPOSES ALLOWING FIREARMS IN HOSPITALS AND UNIVERSITIES

On Friday, March 9, the Kansas House of Representatives likely will debate [HB 2353](#), a bill to mandate all public institutions allow individuals to carry concealed firearms on their premises. As currently written, the bill will require public hospitals to allow concealed firearms in their corridors and public universities to allow concealed firearms in their classrooms. The only current exemption is if the public institution installs "adequate" security equipment and measures. The **Kansas AFP** sent a Speak Out alert asking members to urge their state representative to oppose HB 2353. KAFP asked members to underscore that if their representative cannot oppose this bill, that the legislator support two amendments allowing governing boards of universities and hospitals to opt out of the legislation. Thirty-six members, as of Friday morning, contacted their Kansas Representative through Speak Out.

10. THREE FAMILY PHYSICIANS APPOINTED TO NEW TEXAS ADVISORY BOARD

Texas Governor Rick Perry (R) appointed the first members Board of Directors of the new Texas Institute of Health Care Quality and Efficiency. The Institute and its board were created by [SB 7](#), a health reform bill passed by the legislature in 2011. The act charges the institute with examining health care quality, accountability, education and costs by encouraging health care provider collaboration, effective health care delivery models and coordination of services. Among the 13 appointees to the board are three family physicians: **Drs. Patrick Carter** and **John Joe** of Houston, and **Beverly Nuckols** of New Braunfels.