



# Briefing on the Issues Going to Capitol Hill

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# Overview

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- What to expect on Capitol Hill
- Issues
- Answer questions
  
- Role Playing
  
- Review tomorrow morning



# What to expect....

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- Each of you have meetings with a key Senator and Rep. tomorrow morning
- The meetings will be held in Senate and House office buildings on Capitol Hill
- Congressional staff
- small meeting space and short meetings
- packets of information



# What can you talk about?

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- Medical liability reform
- Medicare physician payment
- trauma systems
- other issues...



# Medical Liability Crisis

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- Approximately 19 states are in crisis
- Additional 25 are on the verge of a crisis
- Affordability and Availability crisis



# The Solution is MICRA

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- The Medical Injury Compensation Reform Act was passed in CA in 1975
- Includes
  - \$250,000 cap on non-economic damages
  - reasonable statute of limitations
  - limits on attorney fees
  - joint and several liability
  - Collateral source reform



# The Solution is MICRA

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- MICRA has worked in CA to keep premiums stable
- Some states have passed similar laws
- Other states have not passed any reforms
- Goal is to bring MICRA to the federal level



# House and Senate MLR votes

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- House passed HR 5 last year and HR 4280 last week --- strong medical liability reform bills based on MICRA
- Three times in the past year, Frist has tried to bring MLR up and each time Democratic leadership has blocked him by using procedural tactics



# Presenting this issue

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- Tell personal stories
  - Have you been affected by the liability crisis?
- Senators and Reps have voted on this issue numerous times...
  - if they have supported it on previous votes  
..... “Thank you” and keep up the support
  - if they have opposed it on previous vote
    - WHY??



# Arguments against MLR

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- \$250,000 cap is unfair
  - cap is non-economic damages only, this does not include lost wages, medical expenses....
  - Is there an amount that is acceptable?



# Arguments against MLR

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- This is a state issue... not a federal issue
  - 44 states are either in crisis or heading towards crisis
  - healthcare crosses state lines
  - according to CBO, federal MLR would save the federal government millions



# Arguments against MLR

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- Current bills include other groups (HMOs, device manufacturers, others) and I would only support a bill that just includes doctors and hospitals
  - Would you be willing to introduce a bill that includes a \$250,000 cap that just applied to doctors and hospitals?



# What is the ask?

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- Thank you to those members who have supported medical liability reform
- Push back on those members who have opposed medical liability reform
- WHY???



# Medicare Physician Payment

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- 4.2% cuts in Medicare physician reimbursement were scheduled for 2004 and 2005
- Those cuts were averted and replaced with a 1.5% increase for 2004 and 2005 in the Medicare Prescription Drug Bill that was passed at the end of 2003



# More cuts are coming.....

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- According to the Medicare Trustees, 5% cuts in Medicare physician reimbursement are scheduled for 2006 - 2012...



# Solutions

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- Congressional action will be needed to fix the flawed Medicare sustainable growth rate (SGR)..
  - Very expensive
  - current climate is difficult for such expensive efforts



## Solutions (cont)

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- Administration (CMS) can take certain actions to reduce the cuts
- Remove the costs of physician-administered drugs from the SGR
- Other administrative actions



# What is the ask?

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- Letter to CMS Administrator McClellan urging him to take administrative actions to help reduce the cuts in physician reimbursement
- Reps. Crane (R-IL) and Brown (D-OH) and Senators Kyl (R-AZ) and Lincoln (D-AR) have started such a letter ---- urge Reps and Senators to sign on to the letter



# Trauma Care Systems

## Planning and Development Act

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- Since 1990 it has provided almost \$25 million to help states develop and implement statewide trauma systems
- United States trauma systems remain incomplete



# Trauma Care Systems Planning and Development Act

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- Unintentional injury is one of the leading causes of death
- “Golden hour” make trauma systems critical



# What is the ask?

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- Reps. Greenwood (R-PA), Gutierrez (D-IL) and Sens. Roberts (R-KS) and Reed (D-RI) along with 90 Reps and 30 Sens have already sent a letter to Approps committee asking for funding.
- Thank those who signed....
- Urge those who have not signed to sign the follow-up letter



Questions???

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# Going to Capitol Hill....

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What to expect.....