American College of Surgeons
Division of Advocacy and Health Policy
2013 Top 10 Federal and State Legislative Advances

A Legislative Viewpoint
H.R. 2810, the Medicare Patient Access and Quality Improvement Act

- House Committee on Energy & Commerce
  - Unanimously approved with bipartisan support
- Repeals the sustainable growth rate formula (SGR) and develops new physician payment system
- ACS and other physician organizations provided significant input over the past year
- ACS has some concerns:
  - Removes 1% per year for 3 years from physician payment
    - Nearly $20 billion cumulative total addressed by the Relative Value Scale Update Committee (RUC)
    - No cost offsets included (bill would cost $175 billion)
    - “Peer cohort” quality grouping is likely unmanageable
- House Ways and Means and Senate Finance Committees must still weigh in
  - Will likely have different language
H.R. 1331, the Electronic Health Records Improvement Act

- **Champion** = Rep. Diane Black (R-TN)
- **Content**
  - “Hardship exemption” for small practices and physicians near retirement
  - Shortens the gap between performance period and penalty
  - Streamlines system requirements for providers and vendors
  - Expands incentive program and quality measures with registries
  - Increases participation among rural health care providers
  - Tailors requirements to meet needs of certain specialties
  - Establishes appeals process before application of penalties

- **Seeking to attach to the SGR legislation this year**
• **H.R. 1827, Pediatric Loan Repayment**
  - Loan repayment for 2-year commitment in underserved area
  - Applies to pediatric surgery
  - Enacted in 2009 with the Affordable Care Act (ACA)
  - Expires in 2014
  - Champion = Sen. Sherrod Brown (D-OH)
Medical Liability Reform

- **Health Care Safety Net Enhancement Act**
  - S. 961/H.R. 36
  - Sponsors = Sen. Blunt (R-MO), Rep. Dent (R-PA)
  - Extends liability protections for physicians providing the Emergency Medical Treatment and Active Labor Act (EMTALA) mandated care

- **Good Samaritan Health Professionals Act**
  - H.R. 1733
  - Protects providers in federally declared disaster without liability
State Affairs - California

- **Lifesaving Intelligent Firearms Enforcement Act**
  - Content of 14 bills
    - Expanded def. = detachable magazine
    - Eliminates any magazines >10 rounds
    - Limits use and transferring, mandates registration
  - Seven bills signed, seven vetoed including SB 374—ACS Chapter integral in bringing SB 374
State Affairs - Florida

- **Scope of practice of optometrists**
  - Expanded oral and ocular Rx (excludes Schedule I or II) for ocular diseases
  - Re-establishes definition of surgery
• **Provider Shield Law**
  o Claims and/or payment data created by ACA cannot be used as evidence of failure to meet standard of care
  o Support by GSMA and GTLA
  o First state in the union to pass
• **Uniform Emergency Volunteer Health Practitioners Act (UEVHPA)**
  - Licensed providers may cross state borders without having a to seek a license
  - Already passed in 14 states
  - Stems from the events following Hurricanes Katrina and Rita
  - Passed after two previous failed attempts
State Affairs - Chapters

• **Chapter Lobby Day Grant Program**
  o 2013 – 16 chapters held Day at the Capitol events
  o 2014 – 18 chapters provided grants