

# ASA Legislative Conference 2007

## "All Hands on Deck"

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ASA Director for California



The ASA Legislative Conference was held May 7-9, 2007, in Washington, D.C. The CSA delegation included 22 members, four of whom were residents. The attendees were: Virgil M. Airola, Barbara Baldwin, Stanley D. Brauer, Edgar D. Canada, Michael W. Champeau, Paul B. Coleman, Christine A. Doyle, Norman Levin, Linda J. Mason, Jack Moore, Rebecca J. Patchin, Kenneth Y. Pauker, Johnathan L. Pregler, Michele Raney, Mark A. Singleton, Stanley Stead, Earl Strum, Larry Sullivan, Narendra Trivedi, and four residents—Danny Botros of UCI, Gloria Cheng of UCSD, Ryan Lauer of LLU, and Ellen Wang of UCLA. Visits were made to over 40 members of Congress. The major issues discussed with the members of Congress during our congressional visits were:

1. **Medicare Anesthesia Conversion Factor.** A General Accounting Office study is currently underway, per prior request of Ways and Means Health Subcommittee Chairman Pete Stark. It is now with CMS for review, and the results are expected by the summer of 2007. The message we delivered to members of Congress was that Medicare slashed the anesthesia CF 25 percent in 1992 and unfairly undervalued anesthesia services. Last year, CMS cut anesthesia services an added 8.9 percent, so the average national Medicare anesthesia CF is less than 40 percent of private payment, as compared to 80 percent for the rest of medicine today. The Medicare anesthesia CF is less than it was in 1990, using both the absolute AND inflation-adjusted dollars. We asked for the members of Congress to sign a letter urging CMS action on increasing Medicare payments for anesthesia services.

*[Editor's Note: CMS needs to hear from all anesthesiologists in support of the proposed increase in the anesthesia conversion factor. This is what ASA has been working so hard to obtain since 1992. Some specialties will oppose these regulations because our victory is another specialty's loss. Therefore, for all of you who have yet to contact CMS, you have until **August 31**. Visit the ASA Web Site at [www.asahq.org](http://www.asahq.org) for information and sample letters.]*

2. **Medicare Physician Payment Update/Sustainable Growth Rate Reform.** There is no stand-alone legislation yet, although Congress may address this issue through the budget process or separately. The ASA is working with the AMA and other large national medical specialties on a

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draft bill. The message we delivered to members of Congress was that the SGR formula is unfair, illogical, and must be replaced: Anesthesiologists don't control the volume of cases. A cut of 10 percent in 2008 would hit anesthesiology hard because of the diminished anesthesia conversion factor due to recent regulatory cuts and would have a negative effect on academic programs.

Physician payment should be based on medical cost inflation, and any quality measure bonuses need to be built on top of positive updates. We asked for support of multiyear, positive Medicare payment updates along with a path to repeal the SGR.

3. **Medicare Anesthesiology Teaching Rule Reform.** A bill, HR 2053, recently was introduced by Representatives Xavier Becerra (D-CA), Jim Ramstad (R-MN), Darlene Hooley (D-OR), and Pete Sessions (R-TX). Senate companion legislation is expected. The message we delivered was that the unfair Medicare payment rule arbitrarily targets academic anesthesiology programs alone; Congress should fix the 50 percent Medicare payment penalty that is costing anesthesiology programs an average of \$400,000 annually; HR 2053 would restore full payment to programs, spurring anesthesiology research and avoiding anesthesiology workforce shortages. We asked members of Congress to co-sponsor HR 2053 in the House or become an original sponsor of a Senate companion bill to be introduced. At the conclusion of our visit with Representative Xavier Becerra's health care aide, he said over 20 members of Congress had agreed to sign on with support for this bill and he expected many more will add positive support.
4. **Rural pass-through.** HR 1866 was recently introduced by Representatives Henry Cuellar (D-TX) and Todd Akin (R-MO). The message we delivered was that Medicare has excluded "pass-through" payments to anesthesiologists but allows them for nonphysician anesthesia providers in certain rural hospitals. Fairness and free competition require that Medicare "pass-through" should be extended to include anesthesiologists as well. This bill would relieve rural anesthesia and surgery shortages.

In addition to the Congressional visits, there were excellent educational sessions that included a very popular Newcomer's Session: Congress 101 presented by Ronald Szabat, J.D., LL.M., Chief Operations Officer-External Affairs and General Counsel, and Sarah Paff, M.A., Advocacy Communications Manager. Melinda Farris, President, Capitol Resources, also presented "Strategies for Advocating Effectively to Congress" in this session.

Members of Congress who addressed the attendees were Paul Ryan (R-WI), ranking Member of the Budget Committee, U.S. House of Representatives, and

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Frank Pallone (D-NJ), Chairman, Health Subcommittee, U.S. House of Representatives.

Two outstanding presentations by ASA members included "Anesthesia Payment Issues: Future Trends in the Economics of Anesthesia Practice," Norman A. Cohen, M.D., Chair, ASA Committee on Economics, and "Pay-for-Performance: The Law of the Land," Alexander A. Hannenberg, M.D., ASA Vice-President for Professional Affairs.

James Becker, M.D., presented an ASAPAC Update. In order for the ASA to represent us in advocating at the national level, California anesthesiologists must improve our participation in ASAPAC.

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