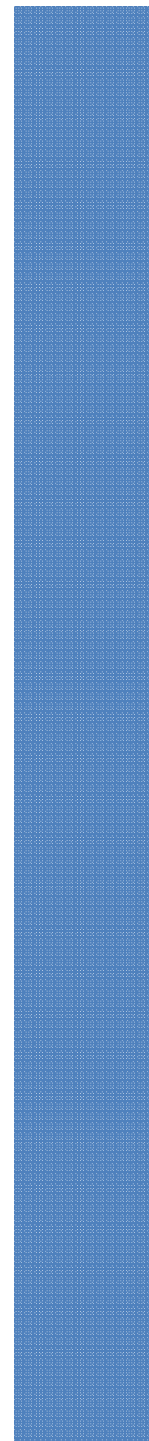


A View From The Hill: *A Legislative, Regulatory and Political Update*



**Jay Keese, Principal
Capitol Advocates**

September 17, 2014



The Political Environment

- **113th Congress Winds Down**
 - **Friday was supposed to be the last day in session!**
 - Delay for Exim Bank, ISIS Funding Request
- **Value Equation for Health IT is a Hot Topic**
 - Now a Bipartisan Discussion
 - What did we get for the \$\$\$
 - Focus on Interoperability
 - Delivery, Payment Reforms Depend on it
- **Competitive Elections**
 - Tensions/Stakes High
 - Senate Control up for Grabs



Senate Elections

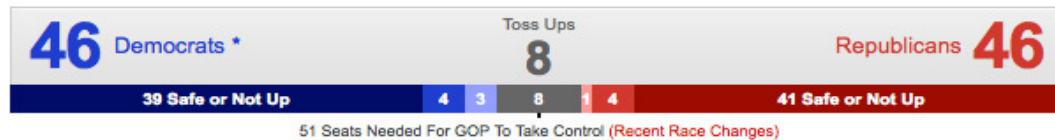
- **Currently: 55D - 45R**
 - **GOP Needs 6 for control**
- **3 Solid GOP Pick Ups**
 - **MT, SD, WV**
- **8 Toss Up Races**
 - **6 D - 2 R**
- **Louisiana Runoff ?**
 - **Dec. 6, 2014**



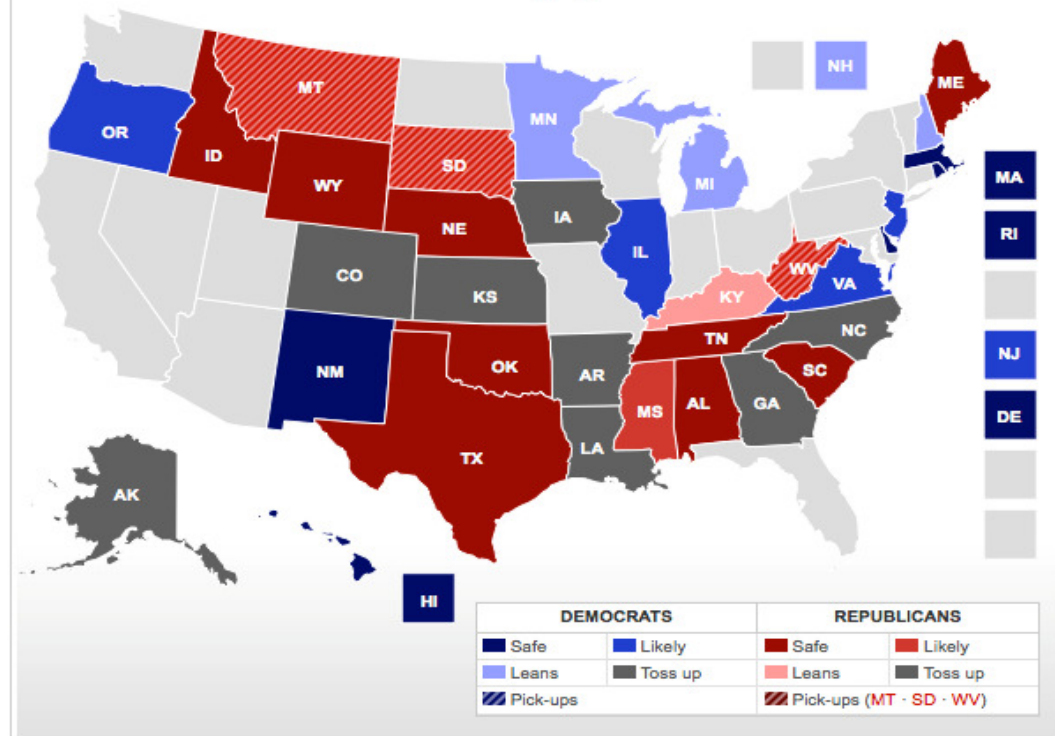
BATTLE FOR THE SENATE

Current Senate: 55* Democrats | 45 Republicans

SENATE MAP · SENATE NO TOSS UPS · HOUSE MAP · GOVERNORS MAP · GOVERNORS NO TOSS UPS



Likely Dem	Leans Dem	Toss Up	Leans GOP	Likely GOP
IL: Durbin (D)	MI: Open (D)	AK: Begich (D)	KY: McConnell (R)	MS: Cochran (R)
NJ: Booker (D)	MN: Franken (D)	AR: Pryor (D)		MT: Open (D)
OR: Merkley (D)	NH: Shaheen (D)	CO: Udall (D)		SD: Open (D)
VA: Warner (D)		GA: Open (R)		WV: Open (D)
Safe Dem Seats		IA: Open (D)		Safe GOP Seats
		KS: Roberts (R)		
		LA: Landrieu (D)		
		NC: Hagan (D)		



* Sen. Bernard Sanders (I-VT) & Sen. Angus King (I-ME) currently caucus with the Democrats.

Committee Chairs

- **Orrin Hatch**
 - Finance
 - *Grassley Senior?*
- **Lamar Alexander**
 - HELP
- **Thad Cochran**
 - Appropriations
 - Jerry Moran, LHHS
- **Jeff Sessions**
 - Budget
- **Susan Collins**
 - Aging
 - Gov't Reform
- **Richard Burr**
 - Veterans
- **House: No Change**
- **W&M Chair Camp retires**
 - Paul Ryan
 - Kevin Brady



Hatch, Cochran, McCain (Armed Services), Alexander
 Grassley (Judiciary) Shelby (Banking) Sessions, Corker (Foreign
 Relations)
 Collins, Burr, Moran

♫ Legislation – The Next 90 Days

- **Continuing Resolution**
 - Clean Bill Through November – Lame Duck Session

- **GOP ACA Message Bills**
 - 30 Hour Work Week
 - “Keep Your Plan” bill

- **Medicare SGR Legislation?**
 - Ways & Means/Finance hoping for Lame Duck Action
 - Protecting Access to Medicare Act of 2014 (H.R. 4302) delays SGR Medicare cuts until March 2015.
 - IMPACT Post-Acute Care (H R. 4994) Senate UC?
 - Medicare data standards to enable to Compare quality across PAC settings – sets up for payment reforms

- **Budget**
 - User fees for ONC?
 - Labor HHS Language on Blocking/Interoperability



♫ Legislation – The 114th Congress

– What Will Congress Work On?

- **Medicare SGR Fix**

- March deadline – Coincides with Debt Ceiling: Fix or Punt?
- \$183 Billion for Permanent fix – S. 2000/H.R. 4015
- Merges Medicare Incentive Programs, Including MU
- Transition from FFS to Value based payments
 - » NEEDS HIT TO WORK
- Delivery Reforms are the future for Health IT

- **Budget**

- MU Wind Down = ONC Budget Wind Down
- ONC asking for User fees
- Labor HHS Language on Blocking/Interoperability
 - » FY 2015 HHS Spending Bill Calls for De-Certification of Products that block data sharing



♫ Legislation – The 114th Congress

– What Might Congress Try?

- Senate Reboot Group
- MU FLEX IT Act-Penalties
- 21st Century Cures
 - Clinical Trials
 - Data Registries
 - Population Health
 - Quality Measures
- FDASIA Reauthorization 2016
- Blackburn/Fischer Bills
- Tele-health / Mobile Apps
- Delivery Reforms
- VA/DoD interoperability
- Patient Matching – Unique ID tied to Appropriations



By Senators Thune, Alexander, Roberts, Burr, Coburn, Enzi

April 16, 2013

Regulatory Issues

- **FDASIA Report**
 - ONC Patient Safety Center
 - FDA taking moderate approach – Mobile App Guidance
 - Still Awaiting Guidance on Clinical Decision Support
- **2015 Medicare Physician Fee Schedule**
 - \$42 fee for care coordination
 - Requires Use of Certified EHR - Pushback by providers
 - How does it relate to delivery reform?
- **Meaningful Use Stage 3**
 - Congress watching very closely
 - MU2 extensions must = – Interoperability fix
 - 2015 Edition – Annual certifications?
- **ICD-10**
 - Oct. 1, 2015?



Conclusions

– **Congress: Act on Delivery/Payment Reforms**

- Real Use Case for HIT
- Critical to drive health/economic improvements
 - Preventable Chronic Disease = 75% of health costs
- Start scaling the demos – Pilot Fatigue

– **Engage on Patient Safety/Quality Issues**

- New Technologies = New Regulatory Frameworks
- Quality Measures key to effective delivery reforms
- All stakeholders must have seat at the table
- Shrinking budgets force regulators to get creative

