



Welcome to the spring edition of the AMA's *Very Influential Physician (VIP) Insider*. Read on for details about these topics:

- House moving on health care issues – surprise billing and drug costs
- Exclusive Webinar: Stay-cation advocacy – How to win in Washington from your own backyard
- 2020: The GOP's Senate firewall

House moving on health care issues – surprise billing and lowering prescription drug costs

House begins to explore issue of surprise billing

On April 2 the House Education and Labor's Subcommittee on Health, Employment, Labor and Pensions held a hearing entitled: "Examining Surprise Billing: Protecting Patients from Financial Pain." The hearing had an educational focus, with testimony from a panel of health care stakeholders, including Families USA, the Brookings Institute, the American Benefits Council and a professor, Jack Hoadley, PhD, research professor emeritus, Georgetown University, Health Policy, to discuss proposed solutions to surprise billing. Witnesses also explored lessons learned from state law approaches to addressing this phenomenon.

The panel agreed that patients should not be held responsible for the dispute in payment between providers and insurers over an out-of-network bill, generally expressing the opinion that surprise billing results from a market failure where normal insurance rules of a negotiated in network price in exchange for a stream of patients does not apply to certain specialties, because services of hospital-based physicians have inelastic demand. Witnesses urged the committee to pass federal legislation that would create a benchmark for a fair out-of-network payment; cautioned against having that rate set as a percentage of charges which would drive up premiums and overall costs for the health care system; and urged some percentage of Medicare payments, such as 125 percent, be adopted instead. They also supported a process whereby the provider and insurer are encouraged to negotiate to reach a fair payment or enter arbitration. Witnesses talked about the importance of applying these patient protections against surprise bills across insurance products, and beyond the emergency room, discussed how air ambulances and ground ambulances are also contributing to the problem of surprise bills with their out-of-network status. Lastly, they discussed the importance of a federal law applying these protections to Employee Retirement Income

Security Act-regulated plans, as patients in these plans are not protected by state laws aimed at curbing surprise bills and they are equally impacted by this unfair billing practice.

The AMA submitted a [statement for the record](#) emphasizing the need to hold the patient harmless and instead to create a process where providers and insurers can reach a fair payment amount for out-of-network care in situations where a patient cannot choose the provider, while also pushing insurers to be required to have networks of physicians and other providers sufficiently available to care for their beneficiaries. Separately the AMA joined in [a letter](#) with the American Hospital Association and the Federation of American Hospitals to express joint opposition to one proposed solution which would call for the creation of payment bundles for episodes of emergency care that would be administered by the hospital. All three groups noted the complexity and inappropriateness of such a model for care that is as highly variable as the full spectrum of services provide to emergency patients.

For more on this issue check out: [Surprise billing: Seven principles to fix a broken system](#)

House moves to lower prescription drug costs

On March 27, the House Energy and Commerce Health Subcommittee marked up a number of bills, supported by the AMA, to lower prescription drug costs by approving generic drug competition. The generic drug competition bills, H.R. 938, H.R. 1499 and H.R. 965, would address practices used by manufacturers to block market entry by generic competitors, including pay-for-delay settlements, "parking" the 180-day exclusivity granted the first generic applicant to block follow-on applicants and refusing to provide the samples needed for generics applicants to get U.S. Food and Drug Administration (FDA) approval. H.R. 1503 and H.R. 1520 would modernize the Orange book for drug patents and authorize a Purple book for biologic patents to ensure generic manufactures have the information they need to apply to the FDA. H.R. 1781 would ensure the Medicare Payment Advisory Commission and the Medicaid and CHIP Payment and Access Commission have access to data needed to evaluate the practices of various entities within the pharmaceutical supply chain state reinsurance program. These bills were considered and passed by the full committee.

Please visit truthinrx.org for more information

Stay-cation Advocacy: How to Win in Washington from Your Own Backyard

Join our partners with the Congressional Management Foundation for this webinar on May 10, 2019 at 1:00 PM EDT.

[Register here!](#)

Traveling to Washington to meet lawmakers can be challenging for advocates, while members of Congress often are harried and overbooked when in

Washington. "Stay-cation" advocacy back home can often be the best strategy to get "quality time" with key decision makers. This program is based on exclusive and private surveys of congressional staff conducted by CMF and is a benefit only available to members of the VIP program.

During this program, participants will learn the following

- Who lawmakers listen to and why
- The most effective tactics and strategies to use in the district or state
- How to build long-term relationships with lawmakers and their staff
- The best opportunities for setting up meetings and events back home

The webinar will be conducted by [Bradford Fitch](#), President and CEO of CMF, and [Seth Turner](#), Director of Citizen Engagement.

If you have any questions regarding this presentation, please contact Jaime Werner at CMF at JWerner@CongressFoundation.org.

2020: The GOP's Senate Firewall

By [Charlie Cook](#) of The National Journal

A palpable nervousness is taking hold among Republicans as they look ahead to the 2020 elections, and the word "firewall" is coming up frequently in the same sentence as "Senate."

Republicans certainly could still pick up the 18 seats needed for a House majority—it's not an enormous number—and President Trump could sure surprise and pull off a victory against the same odds that he had in 2016, capturing the 270 electoral votes needed to win even if losing the popular vote. But worries about both the House and White House have Republicans wondering if the Senate majority could be what stands between them and a Democratic sweep next November.

With a 53-47 majority, Republicans can lose as many as three seats if they hold the White House and Vice President Mike Pence is still in a position to break ties. A loss of the White House plus three seats does flip the chamber, which is not likely but a possibility that Majority Leader Mitch McConnell and his Republican Conference would prefer not to face. The stepped-up pace of running judicial nominations could be a reflection of that nervousness.

The legendary baseball manager Casey Stengel is said to have plaintively asked about his hapless 1962 New York Mets, "Can't anybody here play this game?" Baseball aficionados will recognize this line as the title of Jimmy Breslin's book about the first season of the expansion Mets team, and it reminds me at times of the Trump administration.

The resignation on Sunday of Homeland Security Secretary Kirstjen Nielsen is unlikely to reverse the blood-pressure spike that so many GOP leaders are having, as chaos and strife seem to surround this president and White House in the same way that the Peanuts character "Pig-Pen" attracts dust. Another character in the long-running Charles Schulz cartoon strip, Violet, once remarked, "Pig-Pen, you're the only person I know who can get dirty just by walking down the street." Washington has never been particularly well-organized, no administration has ever been accused of running a "tight ship," and the moniker of his predecessor being "no-drama Obama" was clearly an exaggeration, but the Trump presidency is definitely one for the record books. All of this chaos and intrigue and questions of overall effectiveness—again, can't anybody here play this game?—are not likely to diminish Trump's base or add to his hard-core opposition, but they do affect his ability to win over those who fall in between.

On the Senate campaign front, keeping track of exactly which Democrats are coming to Washington to meet with Minority Leader Chuck Schumer is more than just idle curiosity, particularly if it is a follow-up visit. Democrats will need a favorable political environment and a strong group of recruits to capture a majority. Watch for them to target six states. Keep an eye on the races of appointed Sen. Martha McSally of Arizona and Sens. Cory Gardner of Colorado, David Perdue of Georgia, Susan Collins of Maine, Thom Tillis of North Carolina, and John Cornyn of Texas. While there are Republican open seats in Kansas, where Sen. Pat Roberts is retiring, and Tennessee, with the departure of Sen. Lamar Alexander next year, neither is seen as nearly as plausible as the previous six.

On the Democratic side, after Sen. Doug Jones of Alabama, the only targets at this point to keep an eye on are Sen. Tina Smith of Minnesota, a state with less-than-impressive margins for Democrats in recent years, and New Mexico, where Sen. Tom Udall has announced his retirement. The saving grace for Republicans is that none of their seats can be said to be deep in enemy territory; none can rival the challenge faced in 2018 by Democrats Joe Donnelly of Indiana, Heidi Heitkamp of North Dakota, or Claire McCaskill of Missouri, not to mention what Democrats have to deal with in defending Jones in Alabama.

One good question is whether Democrats are going to chase shiny objects, spending time and money going after McConnell or open seats in states that are unlikely to elect Democrats, or are they going to concentrate their fire on places where their party is on the upswing—legit plausible targets.

While the presidential contest is, should, and will continue to dominate the attention of the political world, a Senate fight will top the undercard. The House was the center of the American political universe for the 2018 elections; this cycle, it's the Senate's turn. It is hard to overstate the importance for Republicans to hold onto their Senate majority if they come up short in the House and presidential races. Conversely, it would be tough for a newly elected Democratic president to get much done if a McConnell-led GOP still runs the Senate.

