



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

- Bipartisan legislation introduced to protect patients from prior authorization burden
- Playing devil's advocate on the midterms
- Food for thought: Personalized messages are 10 times more influential than form messages
- Everything you need to keep up with redistricting

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### **Bipartisan legislation introduced to protect patients from prior authorization burden**

Bipartisan legislation was recently introduced in the House of Representatives aimed at protecting patients from the burden of prior authorizations. The Improving Seniors' Timely Access to Care Act of 2021 (H.R. 3173) would reduce unnecessary delays in care by streamlining and standardizing prior authorization under the Medicare Advantage program, providing much-needed oversight and transparency of health insurance for America's seniors.

Specifically, the bill would:

- Create an electronic prior authorization program that adheres to federally developed standards and includes the electronic transmission of prior authorization requests and responses, as well as a real-time process for items and services that are routinely approved;
- Improve transparency by requiring plans to report to Centers for Medicare & Medicaid Services on the extent of their use of prior authorization and the rate of approvals or denials;
- Require plans to adopt transparent prior authorization programs that are reviewed annually, adhere to evidence-based medical guidelines, and include continuity of care for individuals transitioning between coverage policies to minimize any disruption in care; and
- Hold plans accountable for making timely prior authorization determinations and providing rationales for denials.

The demand and need for such reforms is growing — particularly as more seniors choose Medicare Advantage for their health insurance needs. For far too long, insurance companies have hidden behind prior authorization requirements in order to cut costs and boost their bottom line, all at the expense of the patient. H.R. 3173 would change this dynamic by taking meaningful steps to curb insurers' abuse of prior authorization requirements in order to save money, as well as protects patients from care disruptions.

The time to act is NOW - [contact your Representative](#) and ask them to support the Improving Seniors' Timely Access to Care Act of 2021 today!

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### **Playing devil's advocate on the midterms**

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

It may well be easier for a hard-core partisan to observe an election campaign than someone else. After all, passionate Republicans and Democrats often blissfully ignore any potential danger signs for their side, at least until Election Night. Someone without a dog in the fight may be more likely to spot dark clouds on the horizon or obstacles on the road ahead that could spoil a trip. It's hard to overstate the challenge that House Democrats face in next year's midterm elections, while the Senate is considerably harder to read. But despite the seemingly ominous signs, other potentially mitigating factors could be important—or even determinative.

Let's set aside for a moment the tiny, five-seat Democratic margin in the 435-seat member House, and briefly ignore the historical pattern of midterm losses for a president's party. Reapportionment, the decennial reallocation of seats between states based on the latest Census, alone could erase three or four Democratic seats, according to Cook Political Report House Editor David Wasserman.

Then there is redistricting—the remapping within the 44 states that have two or more districts—which occurs every 10 years. Republicans will have an advantage for the second decade in a row. During the four years of the Trump presidency, Democrats were not able to make up all the ground they lost in governor's mansions and state legislative chambers during the eight Obama years. This time, the GOP will control the process in states with 187 congressional districts, while Democrats will hold the pen in states with just 75 CDs. In the rest, party control is split or the job is left to independent commissions.

Democrats often pretend that only Republicans engage in the unseemly practice of gerrymandering. The reality is that neither party often misses a chance to do it. From Washington, you have to go only as far as Maryland to find a good example of a Democratic gerrymander. In terms of gerrymandering, though, often the most mischief can be found in states that are either gaining or losing seats, where maps have to be changed rather significantly. Among the 13 states gaining or losing seats next year, Republicans control the process in four, with 82 seats, and Democrats control the process in two, with 23 CDs. Commissions have the authority in six states, with 116 districts, and Pennsylvania's 17 districts will be drawn by a legislature with split partisan control. While Republicans' advantage is not as great as it was 10 years ago, it is still enough that, at least on paper, they should gain ground here as well.

Of course, elections are not actually held on paper, and there are other intervening factors that may work to Democrats' advantage. First off, the House is already pretty sorted out. With only 4 percent of House members occupying seats carried by the other party's presidential nominee last year, each party has, more or less, the seats that they ought to have, with very few swing districts left to fluctuate much. In the not-too-distant past, there were plenty of Southern and border-state Democrats with districts that were at least partially rural. Now, there are virtually none. The same can be said about Republicans in Northeastern and West Coast suburban districts. There are no longer any Republicans in New England, and only 20 out of 66 in the five states that constitute the Mid-Atlantic region.

Further, for a party desperately trying to hold onto seats, the painful reality for Democrats that they unexpectedly lost 11 seats last year means there are 11 fewer competitive seats for Republicans to pick up. One of the few iron laws of politics is that a party cannot lose a seat it no longer has.

Turning to the evenly divided Senate, Republicans have 20 seats up for reelection to Democrats' 14. That makes it very hard for the GOP to get even the one seat necessary to recapture control. But not every seat is equally competitive.

Among states decided in the 2020 presidential race by 4.9 percentage points or less, Republicans are defending four and Democrats three. Two of the GOP-held seats, in Pennsylvania and North Carolina, are now open, with Wisconsin poised to

join them should Sen. Ron Johnson decide to forgo another term. The three Democratic-held competitive states are Arizona and Georgia, where Joe Biden won by an eyelash, and Nevada, where the margin was a little wider.

The Senate playing field looks to be much smaller than last year, but the hand-to-hand combat will be just as competitive and the relative exposure more symmetrical. Also the midterm-election curse that exists in the House is much less conclusive in the Senate. In the 27 midterm elections since 1914, when senators were first directly elected by voters, the party holding the White House has actually gained seats in seven and broken even in one.

But keep in mind: If Democrats manage to hold onto their majority, even very narrowly, they will have a tough time in 2024, defending 23 seats compared to the GOP's 10. If Republicans eke out a majority in 2022, they might well be in a position to expand that majority substantially. Using the same yardstick for competitiveness, Democrats will have five seats at real risk—in Arizona, Michigan, Nevada, Pennsylvania, and Wisconsin—while Republicans will have just one, in Florida.

The bottom line is that the House is hardly a done deal for the GOP, and while Senate Democrats are not in quite as challenging a situation as House Democrats, their majority is still very much at risk. These things are complicated.

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### **Personalized messages are 10 times more influential than form messages**

Our partners at The Congressional Management Foundation (CMF) wanted to know whether it's worth constituents' time to personalize their messages to Congress rather than just sending a form message. To find out, CMF asked congressional staff the following question:

*"If your Member/Senator has not already arrived at a firm decision on an issue, how much influence might the following advocacy strategies directed to the Washington office have on his/her decision?"*

**We learned:** It makes a big difference when constituents personalize their messages to Congress instead of simply clicking the button to send a form communication. While just 3% of congressional staff said that form email messages have a lot of influence, 30% said personalized messages have a lot of influence. That's 10 times more! Constituents who ask the question, "Why should I personalize this email to my Member of Congress?" should ask themselves, "Why wouldn't you?"

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### **Everything You Need to Keep Up With Redistricting**

By Kirk A. Bado and Michelle Schrier at the [National Journal](#)

Delays brought about by the pandemic and interference from the Trump administration have significantly impacted the decennial process. Ordinarily, the data states use to redraw state legislative and congressional maps are available at the end of the year that the census is conducted. But this cycle, the first round of reapportionment data was released in April, while the detailed block-level data—which includes counts of population by race, ethnicity, voting age, housing occupancy status, and group quarters population—will be released by Sept. 30. Attorneys for Democrats and Republicans have warned that this decade's redistricting will be relitigated in courts more than any previous cycle.

Seven states—California, Illinois, Michigan, New York, Ohio, Pennsylvania, and West Virginia— will lose a seat. Five states—Colorado, Florida, Montana, North Carolina, and Oregon—are gaining one seat, and Texas will gain two. The results of reapportionment were not as transformative as expected, and Republicans have expressed disappointment that Texas and Florida—where Republicans control both the governorship and the legislature—are not gaining more seats.

The delays have upset the usual rhythm of the off-year campaign cycle. Potential congressional candidates have delayed launching campaigns until maps are finalized, which in turn has added to the advantages that incumbents already enjoy simply by holding office. Some states are even considering delaying their candidate filing deadlines, while New York Democrats and Iowa Republicans attempt to use the prolonged period to return more power overseeing the maps to the state legislatures.

Republicans have the advantage in redistricting, with the final authority to draw congressional lines in 187 districts while Democrats have control over 75. The [Cook Political Report](#) predicts that Republicans could gain up to eight seats through map changes alone, more than enough to retake the House.

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