Protecting Patients' Timely Access to Care

Regulatory Relief Coalition

2023 Annual Report
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Executive Summary

The Regulatory Relief Coalition (RRC) continued to lead the way on Capitol Hill, to reducing regulatory burden for physicians for our nation’s seniors. RRC was active in advancing the public policy discussion on prior authorization (PA) and establishing transparency and oversight of Medicare Advantage (MA) organizations.

Throughout the year, RRC maintained close contact with PA reform champions and staff in both the U.S. Senate and House of Representatives, advising them on policy, legal, and political matters during the first session of the 118th Congress. In July, the Improving Seniors’ Timely Access to Care (Seniors’) Act passed out of the House Ways and Means Committee and was included in a House Energy and Commerce Subcommittee on Health hearing in October.

The Centers for Medicare & Medicaid Services (CMS) put out for public comment landmark regulations that, for Medicare Advantage (MA) and electronic PA (e-PA), mirror provisions of the Seniors’ Act. One rule was finalized, and another is at the Office of Management and Budget, the last step before a rule is finalized.

RRC launched a successful grassroots campaign involving RRC member organizations, allies, and 500 supporting organizations to request members of Congress in both the House and Senate to sign letters addressed to the Department of Health and Human Services (HHS) and CMS urging the finalization of the e-PA. A total of 233 Representatives and 61 Senators – a majority in both the House and Senate – signed and submitted these letters.

We are confident RRC will continue to be an important resource to policymakers as they improve MA to be more transparent, efficient, and effective for seniors and the physicians who care for them.
About the Regulatory Relief Coalition

The RRC is a group of national physician specialty organizations advocating for regulatory burden reduction in Medicare so that physicians can spend more time treating patients.

Comprised of 16 national physician specialty organizations and 4 allied organizations.

The leading voice for prior authorization (PA) reforms in federal legislation and regulation.

Common sense reform of Medicare Advantage (MA) plans use of PA.

Ensure PA is removed as a barrier to timely access to care through passing the Improving Seniors’ Timely Access to Care Act (Seniors’ Act).

The leading group in contact with bill champions and leadership staff, advising them on a myriad of policy, legal, and political matters.

RRC is the driving force behind multiple CMS proposed and finalized rules reforming prior authorization.
Member & Ally Key Contributions

RRC’s work would not be possible without the commitment and dedication of our member and allied organizations. Each leveraged their organization’s strengths and resources to collectively help reduce patient barriers to timely access to care.

MEMBERS

Special thanks to the American Academy of Ophthalmology (AAO), the American Association of Neurological Surgeons (AANS), and the Congress of Neurological Surgeons (CNS), RRC founders who served as coalition leaders providing the vision for RRC’s past and future strategy successes. RRC members have been especially active in advancing the coalition’s work as noted below.

Direct Lobbying

- American Academy of Ophthalmology
- American Association of Neurological Surgeons
- Congress of Neurological Surgeons
- American College of Surgeons

Research on Prior Authorization & Medicare Advantage

- Medical Group Management Association
- American Society of Clinical Oncology
Grassroots Engagement

- American Academy of Orthopedic Surgeons
- American Academy of Physician Medicine and Rehabilitation
- American College of Cardiology
- American College of Rheumatology
- American Gastroenterological Association
- American Osteopathic Association
- American Society of Clinical Oncology
- National Association of Spine Specialists

Marketing Committee Members

- American College of Surgeons
- American Academy of Family Physicians
- American Academy of Neurology
- American Academy of Dermatology Association
- National Association of Spine Specialists
- American Association of Neurological Surgeons
- Congress of Neurological Surgeons
- Medical Group Management Association

ALLIES

RRC allies Premier, Inc., the American Medical Rehabilitation Providers Association, Select Medical, and the National Association for Proton Therapy also played a pivotal role in lobbying, grassroots, social media engagement, and research and analysis.
RRC spearheaded initiatives reforming PA within Congress and CMS including active engagement in the regulatory process through comments and meetings.

<table>
<thead>
<tr>
<th>JAN &amp; FEB</th>
<th>RRC submits comments to CMS on landmark MA proposed rule reforming PA and instituting protections for seniors.</th>
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</thead>
<tbody>
<tr>
<td>MARCH</td>
<td>RRC submits comments to CMS on the proposed e-PA rule instituting electronic PA for all federal insurance plans</td>
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<tr>
<td>APRIL</td>
<td>CMS finalizes MA rule and implements PA policies recommended by RRC</td>
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<tr>
<td>MAY &amp; JUNE</td>
<td>RRC organizes sign-on letters with 233 Representatives and 61 Senators to CMS urging finalization of the e-PA rule</td>
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<tr>
<td>JULY</td>
<td>RRC circulates OIG report on Medicaid Managed Care denying PA</td>
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<tr>
<td>JULY</td>
<td>Seniors’ Act passes out of the House Ways &amp; Means Committee with a unanimous voice vote</td>
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<tr>
<td>AUGUST</td>
<td>RRC circulates OIG Managed Care oversight strategic plan to ensure PA is not a burden to care</td>
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<tr>
<td>OCTOBER</td>
<td>Seniors’ Act is featured with other bills in House Energy &amp; Commerce Subcommittee on Health hearing</td>
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<tr>
<td>NOVEMBER</td>
<td>RRC releases memo on CY 2025 MA proposed rule which includes several PA transparency provisions</td>
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<tr>
<td>DECEMBER</td>
<td>RRC authors comments on CY 2025 MA proposed rule</td>
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</table>
Legislative Action
Prior Authorization: Costs and Consequences

PA is a cumbersome process that requires physicians to obtain pre-approval for medical treatments or tests before rendering care to their patients. The process for obtaining this approval is lengthy and typically requires physicians or their staff to spend the equivalent of two or more days each week negotiating with insurance companies — time that would be better spent taking care of patients.

PA is often imposed on services that are unlikely to be over-utilized and are eventually approved 90-100% of the time. PA not only prevents seniors from receiving medically necessary, sometimes life-saving, care in a timely manner but expends unnecessary time and money for plans, providers and caregivers.

Key Legislation

The Seniors’ Act would provide transparency and additional oversight to the MA program through the following policies:

• Establish an e-PA program and require MA plans to adopt e-PA capabilities.
• Require the Secretary of HHS to establish a list of items and services eligible for real-time decisions under an MA e-PA program.
• Streamline the PA process for routinely approved items and services.
• Ensure PA requests are reviewed by qualified medical personnel.
• Increase transparency around MA PA and its use.
• Protect beneficiaries from disruptions in care due to PA requirements as they transition between MA Plans.
The Seniors’ Act Champions

RRC ADVANCES THE SENIORS’ ACT
Building on the support from 2022, RRC harnessed the grassroots support of more than 500 organizations representing patients, health care physicians and other clinicians, the medical technology and biopharmaceutical industries, health plans, and other organizations who endorsed the Seniors’ Act in the previous Congress, to advocate for prior authorization legislative reforms.

CONGRESSIONAL CHAMPIONS
RRC fostered congressional partnerships to advocate for PA reform in the MA program and engaged frequently with Senate and House champions to push for passage of the Seniors’ Act as well as both the MA and e-PA rules.

HOUSE CHAMPIONS
Suzan DelBene (D-WA)  Mike Kelly (R-PA)  Ami Bera, MD (D-CA)  Larry Bucshon, MD (R-IN)

SENATE CHAMPIONS
Roger Marshall, MD (R-KS)  Kyrsten Sinema (I-AZ)  John Thune (R-SD)  Sherrod Brown (D-OH)
2023 Legislative Efforts

HOUSE WAYS & MEANS COMMITTEE
On July 6, 2023, the Ways & Means Committee passed the Seniors’ Act out of committee.

HOUSE ENERGY & COMMERCE COMMITTEE
On October 17, 2023, the Energy & Commerce Subcommittee on Health included the Seniors’ Act in a hearing.

HOUSE BUDGET RFI
On October 18, 2023, RRC submitted a response to a House Budget Committee RFI on how Congress could improve health outcomes and reduce spending.

SENATE HOMELAND SECURITY & GOVERNMENTAL AFFAIRS COMMITTEE
On May 26, 2023, the Senate Committee on Homeland Security and Government Affairs held a hearing titled “Examining Health Care Denials and Delays in Medicare Advantage.”

SENATE FINANCE COMMITTEE
Senators Thune (R-SD) and Brown (D-OH) introduced amendments in a markup for the Better Mental Health Care, Lower-Cost Drugs, and Extenders Act to implement real-time decisions in PA.

CONGRESSIONAL LETTER CAMPAIGN
RRC, along with House and Senate Champions, organized massive sign-on letters to CMS to urge finalization of the e-PA proposed rule.
**2023 Congressional Letter Campaign**

**RRC-LED LETTER ACHIEVES MAJORITY IN HOUSE & SENATE**

RRC organized House and Senate sign-on letters sent to CMS urging finalization of the proposed e-PA rule. RRC spearheaded communication with Hill offices and acted as the primary organizer.

<table>
<thead>
<tr>
<th>U.S. HOUSE OF REPRESENTATIVES</th>
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<tbody>
<tr>
<td><strong>233 SIGNERS</strong></td>
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<tr>
<td>141 Democrats</td>
</tr>
<tr>
<td>86 Republicans</td>
</tr>
<tr>
<td>39 Energy &amp; Commerce Committee</td>
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<tr>
<td>37 Ways &amp; Means Committee</td>
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<tr>
<td>20 Budget Committee</td>
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<tr>
<td>14 GOP Doctors Caucus</td>
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<tr>
<th>U.S. SENATE</th>
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<tbody>
<tr>
<td><strong>61 SIGNERS</strong></td>
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<tr>
<td>32 Democrats</td>
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<tr>
<td>28 Republicans</td>
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<tr>
<td>17 Senate Finance Committee</td>
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<tr>
<td>14 Senate Health, Education, Labor, and Pensions Committee</td>
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<tr>
<td>8 Senate Homeland Security Committee</td>
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54% of House Members  | 61% of Senate Members

CMS finalized MA rule in April; e-PA rule is pending.
2023 Regulatory Efforts

**RRC REGULATORY WORKGROUP**
RRC established a Regulatory Workgroup that identified key issues and submitted comments and recommendations on CMS rules.

**MA RULE COMMENTS**
RRC submitted comments to CMS on the MA proposed rule in support of the protections for seniors and offered several recommendations for improvements. The MA rule provided detailed economic analysis concluding that savings are achievable when PA is managed and made transparent.

**E-PA RULE COMMENTS**
RRC submitted comments to CMS for the e-PA proposed rule supporting provisions that mirror the Seniors’ Act and recommendations for improvements to transparency requirements and decision timeframes for PA.

**MEETING WITH OMB**
Katie Orrico, Rebecca Hyder, and Peggy Tighe met with leaders from the Office of Management and Budget (OMB) to discuss Congressional Budget Office (CBO) scores, the finalization of the e-PA rule, and the importance of the Seniors’ bill receiving a low score.

**CONTRACT YEAR 2025 MA PROPOSED RULE**
RRC summarized key utilization management provisions of the proposed MA rule in a memo and wrote comments in support. This proposed rule would require MA plans to hire a health equity expert to review policies, conduct annual health equity analyses of prior authorization data, and publicly post the health equity analysis results.
CMS RULES DIRECTLY ALIGN WITH SENIORS’ ACT
RRC strongly lauded the rules and believes they were driven by RRC advocacy, including collaboration with our Congressional Champions for the Seniors’ Act. The finalized MA plan and PA rules align closely with the Seniors’ Act, evidencing agency commitment to advancing RRC policy priorities.

RRC Comments focused on the following:

• Deadlines for PA decisions
• Transparency
• e-PA and real-time decision-making
• Part D drugs and Part B step therapy
• Continuity of care
• MA plans’ coverage policies, including disclosure of coverage determinations and policy criteria
• Effect of prior approval on reimbursement
• Coverage of procedures related to preapproved services
• Peer-to-peer review processes and decisions
• Enforcement and oversight
Public Engagement
RRC was frequently quoted in DC area publications and published press releases to highlight advancements in PA reform, and the RRC Marketing Committee assisted in the design and implementation of sophisticated public engagement campaigns.

<table>
<thead>
<tr>
<th>Month</th>
<th>Event Details</th>
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</thead>
<tbody>
<tr>
<td>FEB</td>
<td>RRC distributes press release applauding CMS for MA proposed rule</td>
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<tr>
<td>MARCH</td>
<td>RRC develops the Story Portal where patients and physicians can share their experience with PA</td>
</tr>
<tr>
<td>APRIL</td>
<td>RRC distributes press release on CMS finalizing MA rule</td>
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<tr>
<td>MAY</td>
<td>RRC executes grassroots and social media campaign to encourage Congress to sign onto House/Senate letters to CMS</td>
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<tr>
<td>JUNE</td>
<td>Active engagement on social media with Representatives, Senators, their staff, and key stakeholders</td>
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<tr>
<td>JULY</td>
<td>“Thank you” graphics for all congressional letter signers sent out by RRC and member twitter accounts</td>
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<tr>
<td>AUG</td>
<td>RRC launches “Did You Know” Campaign educating public on issues with prior authorization</td>
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<tr>
<td>SEPT</td>
<td>“What physicians are saying” campaign highlights physicians’ quotes from RRC member organizations</td>
</tr>
<tr>
<td>OCT</td>
<td>RRC distributes press release applauding the House Energy &amp; Commerce Committee for including the Seniors’ Act in a hearing</td>
</tr>
<tr>
<td>NOV - DEC</td>
<td>RRC website goes under renovation</td>
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THANK YOU CAMPAIGN | JULY 2023
RRC developed “thank you” graphics to highlight all the members of Congress who signed onto letters urging CMS to finalize the e-PA rule. RRC and member organizations shared these graphics on X/Twitter and other social media outlets.

PHYSICIAN QUOTES CAMPAIGN | AUGUST 2023
These graphics feature physicians from RRC member organizations speaking to the burden of PA in their medical practices. RRC members submitted quotes by their physicians, which offer a physician perspective on issues with PA to the public.

DID YOU KNOW CAMPAIGN | SEPTEMBER 2023
This series of educational graphics highlight key provisions of the Seniors’ Act and reinforce the importance of PA protections for seniors.
Social Media Toolkit

STORY PORTAL – MARCH 2023

RRC developed a social media toolkit for 2023 to showcase stories of PA denials and delays harming patients and physicians on social media. Included in the kit, is a Story Portal where patients and physicians can share their personal experiences with PA. These stories are shared with policymakers and the public to demonstrate the need for PA reform.
Looking Ahead to 2024
With CMS’ finalization of the MA, and eventually the e-PA, rules that closely align with the Seniors’ Act, there is a strong possibility that these rules will bring down the bill’s CBO score from last Congress.

With a zero or minimal score from CBO, the Seniors’ Act could advance in the House on a suspension vote and in the Senate by unanimous consent or we included in other, moving legislation.

RRC will build on the momentum of the House Ways & Means Committee markup and the House Energy & Commerce Subcommittee on Health hearing to push for the bill to be reintroduced and engage in a co-sponsorship campaign to evidence bipartisan, bicameral support for the bill’s passage.

Passing the law will be the logical next step for this Congress, to ensure codification of the important policies in bipartisan legislation.

RRC is already working on expanding the reach of the bill beyond MA. The bill is already encouraging look-alike legislation including applying the policies to commercial plans.
CMS will likely finalize the e-PA rule that closely aligns with the Seniors’ Act in 2024.

With the MA rule taking effect on January 1, 2024, RRC will closely monitor the implementation and enforcement of the new PA protections. It will be especially important that RRC is actively engaged in exactly how the regulations will be implemented.

In addition to the e-PA rule, there is a strong likelihood in 2024 that there will be more rules released regarding oversight and transparency on MA. For example, the use of Artificial Intelligence (AI) has become a major hot topic and there will be more clarity in 2024 in how CMS and other federal agencies plan to address it.
WHAT’S TO COME IN 2024

The RRC Marketing Committee will continue to develop public media campaigns in the second year of the 118th Congress targeting cosponsors for the Seniors’ Act, developing educational campaigns, and live tweeting during committee hearings.

The RRC website is undergoing a comprehensive redesign to enhance its navigational efficiency and visual appeal. Anticipate the formal reintroduction of the website following this thorough revamp.