

Protecting Patients' Timely Access to Care



Regulatory Relief Coalition

2023
Annual Report

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ATTORNEYS AT LAW

RRC
Regulatory  Relief Coalition

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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.



FOCUS

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



GOAL

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



RESULTS

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.

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RRC Members



RRC Allies



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.

Legislative & Regulatory Highlights | 2023

RRC spearheaded initiatives reforming PA within Congress and CMS including active engagement in the regulatory process through comments and meetings.

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



Legislative Action

Improving Seniors' Timely Access to Care Act (Seniors' Act)

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.

U.S. HOUSE OF REPRESENTATIVES

233

SIGNERS

141 Democrats
86 Republicans

- 39** Energy & Commerce Committee
- 37** Ways & Means Committee
- 20** Budget Committee
- 14** GOP Doctors Caucus

U.S. SENATE

61

SIGNERS

32 Democrats
28 Republicans

- 17** Senate Finance Committee
- 14** Senate Health, Education, Labor, and Pensions Committee
- 8** Senate Homeland Security Committee

54% of House Members | 61% of Senate Members

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

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Regulatory Action

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.

Themes for RRC Comments on Rules

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

Public Engagement Highlights | 2023

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.

FEB	RRC distributes press release applauding CMS for MA proposed rule
MARCH	RRC develops the Story Portal where patients and physicians can share their experience with PA
APRIL	RRC distributes press release on CMS finalizing MA rule
MAY	RRC executes grassroots and social media campaign to encourage Congress to sign onto House/Senate letters to CMS
JUNE	Active engagement on social media with Representatives, Senators, their staff, and key stakeholders
JULY	“Thank you” graphics for all congressional letter signers sent out by RRC and member twitter accounts
AUG	RRC launches “Did You Know” Campaign educating public on issues with prior authorization
SEPT	“What physicians are saying” campaign highlights physicians’ quotes from RRC member organizations
OCT	RRC distributes press release applauding the House Energy & Commerce Committee for including the Seniors’ Act in a hearing
NOV - DEC	RRC website goes under renovation

Key Social Media Campaigns

Thank You
U.S. Representatives
from Texas

For signing onto letters urging CMS to finalize and implement changes to prior authorization.

Texas Sign Ons

Rep. Colin Allred	Rep. Al Green	Rep. Dan Crenshaw
Rep. Jodey Arrington	Rep. Ronny Jackson	Rep. Jasmine Crockett
Rep. Brian Babin	Rep. Michael McCaul	Rep. Lizzie Fletcher
Rep. Michael Burgess	Rep. Keith Self	Rep. Vincente Gonzalez
	Rep. Beth Van Duyne	

learn more at [regrelief.org](https://www.regrelief.org)

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.

What Physicians Are Saying
About Prior Authorization

"We're urging Congress to seize on this momentum and enact commonsense prior authorization reforms into law."

George A. Williams, MD
Senior Secretary for Advocacy
American Academy of Ophthalmology

learn more at [regrelief.org](https://www.regrelief.org)

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?

- 1 out of every 8 requests for prior authorization of services are denied
Information from 2023 MAH survey: https://www.regrelief.org/pdfs/maah2023-2024-4767-6467-476850007-7470603202_PA-in-MA_FINAL.pdf
- The *Improving Seniors' Access to Timely Care Act* will increase transparency around prior authorization requirements and clinical information needed to support prior authorization approvals
- Clinicians and patients will have access to policy and procedures used by MA plans for prior authorization determinations

[WWW.REGRELIEF.ORG](https://www.regrelief.org)
REGULATORY RELIEF COALITION

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.



Prior Authorization Story Portal

Prior authorization is a serious hurdle for patients and physicians. RRC is collecting stories from patients and physicians about the negative impacts of delays or denials of care due to prior authorization.

- Have you or your patients been denied care due to prior authorization?
- Have you or your patients had care delayed due to prior authorization?
- How have these denials or delays impacted you, your patients, or your medical practice?

Stories can be brief or detailed. We will use these stories to spread awareness and advocate for increased patient and physician protections.

We will not share your email address, last name, or any personally identifiable information revealed in the story. If you wish to remove your story from our advocacy efforts, please contact us. See our privacy statement [here](#).



Looking Ahead to 2024

2024 | Legislative Action

SENIORS' ACT PASSAGE & CHAMPIONING REGULATORY RELIEF

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.

2024 | Regulatory Action

RULE IMPLEMENTATION, FINALIZATION, & PROPOSALS



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.



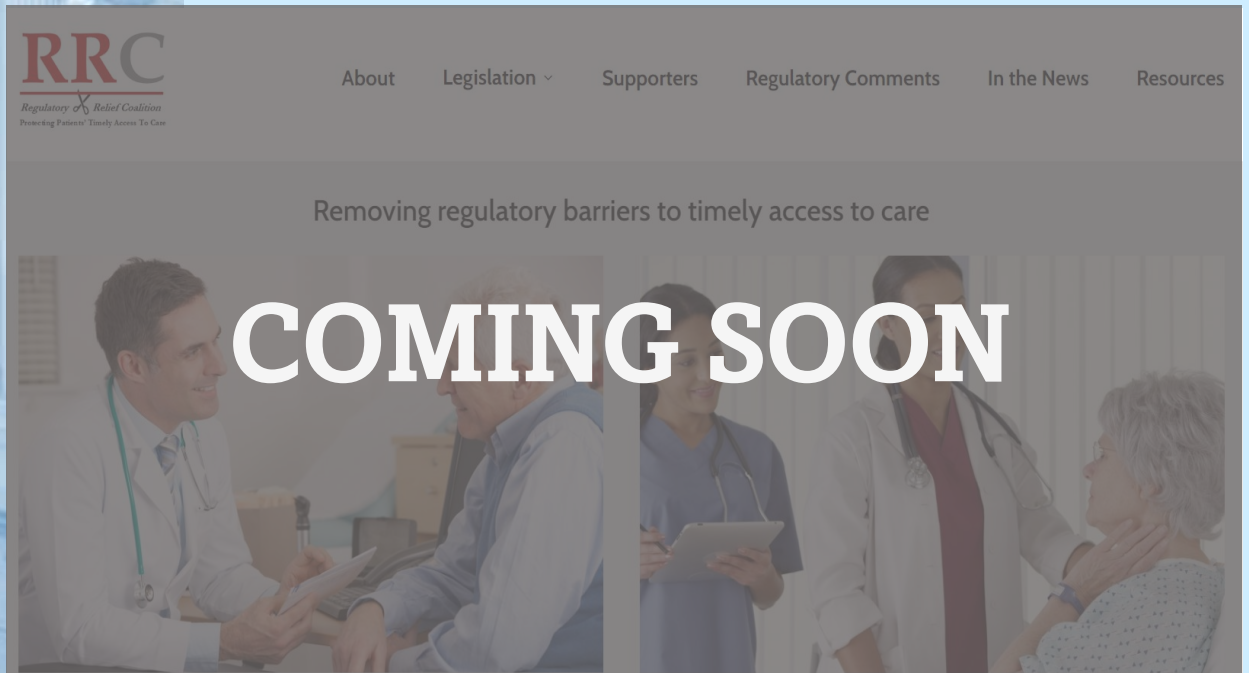
In addition to the e-PA rule, there is a strong likelihood in 2024 that there will be more rules released regarding oversight and transparency on MA. For example, the use of Artificial Intelligence (AI) has become a major hot topic and there will be more clarity in 2024 in how CMS and other federal agencies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

2024 | Public Engagement

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.





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