



# IR Advocacy Update

## Legislative & Regulatory Updates

### **SIR Continues to Fight IR Medicare Pay Cuts with Call-to-Action and Congressional Meetings**

SIR continues to fight against IR Medicare pay cuts in every way possible. The Provider Relief Provisions in S.610 extended the conversion factor physician pay increase by 3% through the end of 2022; waived the 4% statutory Pay-as-you-Go (PAYGO) cuts through 2022 and minimized the impact of sequestration by waiving sequestration cuts through March 2022, phasing in a 1% cut for April through June.

However, the CMS plan to update the Medicare clinical labor rates will impose a -6% pay reduction over the four-year phase-in period. This will be especially impactful for office-based IR practices.

H.R.6048, introduced by Congressman Bobby Rush (D-IL) and Congressman Gus Bilirakis (R-FL) directs the Secretary of Health and Human Services to maintain current clinical labor data in the Physician Fee Schedule (PFS) database and to report to Congress on fundamental reform of the PFS. SIR has been advocating for the passage of this legislation, and has updated our latest Call-to-Action message to support all efforts to prevent Medicare pay reductions.

SIR has joined other medical groups in several coalitions to broaden the scope of advocacy on this important matter and has already met with Sen. Ron Wyden (D-OR), Rep. Rose DeLauro (D-CT), Rep. Schrader (D-OR), Rep. Debbie Dingell (D-MI), and Rep. Brad Schneider (D-IL) to express our concerns. Please consider participating in our most recent Call to Action fighting IR Medicare cuts today!

### [Call to Action](#)

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### **SIR Submits Comment Letter to CMS Regarding New GME Slots**

On Feb. 18, SIR submitted a [letter](#) to the Centers for Medicare and Medicaid Services (CMS) Administrator, Chiquita Brooks-LaSure, in response to the FY 2022 Inpatient Prospective Payment Systems (IPPS) Final Rule on Graduate Medical Education Proposals (CMS-1752-F). This final rule invited public comments on distribution methodologies for the 1,000 new training slots created in the FY2022 IPPS proposed rule.

SIR and the American College of Radiology are seeking the [prioritization of radiology](#) when distributing these new physician residency slots.

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### **Congress Passes the *Dr. Lorna Breen Health Care Provider Protection Act!***

SIR praises Congress for passing the *Dr. Lorna Breen Health Care Provider Protection Act*. The legislation is named after Dr. Lorna Breen, a New York City emergency room physician who tragically died by suicide in Spring 2020 after treating confirmed COVID-19 patients. The bill aims to reduce the stigma of seeking mental health assistance among health care professionals.

Backed by more than 70 organizations, including the American Medical Association, the American Hospital Association, and the American College of Emergency Physicians, the comprehensive legislation is the first of its kind to allocate specific funds towards grants for training health profession students, residents, or health care professionals in evidence-informed strategies to reduce and prevent suicide, burnout, mental health conditions, and substance use disorders.

SIR advocated for this bill during the September SIR Washington Virtual Fly-In as one of our top three legislative priorities in 2021.

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### **Physicians Receive Win in Surprise Billing Lawsuit**

Providers have secured the first win in the battle over the controversial surprise billing rule, with a federal judge agreeing with the Texas Medical Association's (TMA) charge that the Biden administration violated the statute when it directed arbiters to look at the medium in-network rate when resolving disputes. On February 23rd, District Judge Jeremy Kernodle also agreed with plaintiffs that the administration failed to give stakeholders an opportunity to comment before the interim rule came out.

While the Justice Department had requested the court remand the interim final rule (IFR) back to HHS and other agencies if it sided with TMA, the judge agreed with the plaintiffs that the offending sections of the rule cannot be fixed and instead vacated those pieces of the rule. The court also rejected DOJ's pleas to narrow the ruling to the plaintiffs and applied the ruling nationwide.

The American College of Radiology (ACR), which had joined with the American Society of Anesthesiologists and the American College of Emergency Physicians, in yet another suit, also praised the decision.

"The court's sensible ruling is a win for patients and providers. Insurers are already using the law's mis-implementation to raise profits by narrowing provider networks, which can strip patients of access to their chosen providers, reduce overall access to care, and delay diagnosis and treatment of illness and injury," Dr. Howard Fleishon, Chair of ACR's Board of Chancellors, said.

ACR's case is pending in the US District Court for the Northern District of Illinois. Two other challenges to the rule have been filed in Georgia and New York.

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### **HHS' Latest Provider Relief Fund (PRF) Distribution Leaves \$5.5 Billion In The Fund**

The Health Resource Services Administration (HRSA) recently announced the distribution of \$560 million for health care providers impacted by COVID-19. The funds can be used for staff recruitment and retention, as well as COVID-19-related losses and expenses, leaving \$5.5 billion in the dwindling fund.

[HRSA Resources](#)

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### **Dr. Robert Califf Narrowly Confirmed as FDA Commissioner**

On Feb. 15, the Senate voted 50-46 to confirm Robert M. Califf MD, MACC as FDA Commissioner. Dr. Califf is a practicing cardiologist and professor at Duke University, where he served as Director of the Translational Medicine Institute. Questions regarding Dr. Califf's possible ties with the pharmaceutical industry were among those raised during his confirmation.

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### **SIR Sends Medicare Physician Payment Reform Letter to Congress**

SIR, along with other medical associations which make up the Medicare Payment Coalition, sent [a letter to Congressional leaders](#) urging them to hold hearings, panel discussions, roundtables, etc. related to major reforms to the Medicare physician payment system.

"Under the current payment system, many health care clinicians continue to face steep annual reductions in their Medicare payments. The inherent instability of the MPFS, coupled with the shortcomings of MACRA's QPP, has created an environment where many practices have seen their payments decrease year-over-year, despite increasing costs and growing inflation."

This is an issue that has garnered considerable bipartisan support and SIR will continue our advocacy efforts to ensure IRs have a voice when it comes to Medicare reimbursement.

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### **Update on the 4,000 GME Slots in Build Back Better Package**

Late last year, the *Resident Physician Shortage Reduction Act of 2021 (S.834/H.R. 2256)* was added to the Biden Administration's \$6 trillion dollar Build Back Better (BBB) Act after successful lobbying efforts by SIR and the AAMC GME Advocacy Coalition. Congress has indicated that the BBB will not pass in its present form, and efforts are underway to break the massive spending package into smaller bills that can be enacted.

SIR continues to work as a member of the GME Advocacy Coalition to secure passage of the Resident Physician Shortage Reduction Act, which would create 4,000 new GME residency training slots targeted at hospitals serving rural and urban Health Professional Shortage Areas. The bill also creates a new Pathway to Practice Training Program which would provide 1,000 scholarships

annually to students from disadvantaged backgrounds. Once enacted, SIR will direct advocacy to HHS to ensure that the number of IR training slots are increased.

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### **Voices for IR Program**

#### **Seeking Volunteers**

Voices for IR is SIR's grassroots advocacy program designed to amplify our communications on issues affecting interventional radiologists nationwide. Voices for IR prepares member volunteers to serve as an extension of SIR's advocacy team to help achieve our legislative and regulatory goals.

Grassroots advocacy involves SIR volunteer members contacting their local, state, or federal officials about issues that affect interventional radiology. In contrast to direct lobbying, grassroots advocacy is citizen-based activism. Grassroots advocates are individuals who are willing to act online, on the phone, or by mail to contact their elected officials. Through education and training, grassroots advocates can learn to collaborate directly with elected officials to promote interventional radiology. SIR provides volunteers with advocacy training and regular updates about IR-specific state and federal issues, as well as opportunities to meet elected officials to promote IR.

Please consider joining the Voices for IR program to increase SIR's reach with policymakers!

To learn more, please visit our [website](#).

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### **SIRPAC**

SIRPAC is the only political action committee (PAC) serving Interventional Radiology exclusively. SIRPAC raises funds to support political campaigns of pro-IR federal elected officials. SIR raised almost \$200,000 in contributions for SIRPAC last year- higher than in any previous year. These funds allow SIR to participate in exclusive events with key Members of Congress who can become champions of our advocacy priorities.

Thank you to everyone who contributed to SIRPAC in 2021!

Please consider elevating SIR's presence by representing SIR at one of these events with lawmakers, and if you are a U.S. citizen by [donating to SIRPAC](#) today.