

## Part B Insider (Multispecialty) Coding Alert

### REIMBURSEMENT: Democratic Landslide Means Congress May Let Your Payments Slide

**The longer they wait, the worse your prospects are**

**Brace yourself:** It could be March, or even April, before Congress is able to revoke the 5-percent cut that's scheduled to hit the conversion factor in January.

The Democrats took control of the House of Representatives with an estimated 28-seat pickup, and appeared to have a one-seat advantage in the Senate.

That means the end-of-the-year -lame duck- session will be even lamer than usual, with the outgoing GOP majority unlikely to make sweeping changes in Medicare. Capitol Hill insiders don't expect to see a fix to the physician pay cut before the end of the year.

**Forget January:** It could take the Democrats a few months to get settled in before they're ready to tackle ambitious Medicare legislation, says **Julius Hobson**, a former lobbyist for the **American Medical Association**. With a change of parties, it can take months to sort out committee assignments and work out the representation of the minority party on committees. It could be March before the new Congress is up and running, warns Hobson, now a senior policy advisor at **Powell Goldstein** in Washington.

Also, when the Republicans took over Congress in 1995, they made sweeping changes to the committee structure, abolishing some committees and reorganizing others. The Democrats may want to reverse all of those changes, Hobson says. Some of the Republicans with the greatest experience on Medicare issues, such as Rep. **Nancy Johnson** (R-CT) lost their seats in the election, he notes.

#### **Jump On The Omnibus**

Congress probably can't pass a rescue for physicians by itself, notes attorney **Chris Crosswhite** with **Duane Morris** in Washington. Instead, the pay fix will probably appear as part of an -omnibus- Medicare bill--which may include some changes to the Part D prescription drug program that President Bush will be reluctant to sign.

**An added wrinkle:** New House Speaker **Nancy Pelosi** (D-CA) says she wants to reinstate the -pay-as-you-go- system, under which any spending increases must have matching spending cuts. And some Democrats oppose increasing Part B premiums. Those factors make it even harder for legislators to find money to pay for stabilizing doctors- payments, Hobson notes.

The good news is that legislators on both sides of the aisle are fully educated about the problem with physician payments, and committed to solving it, Hobson says.

**Start pushing early:** The bad news is that the longer you go into next year, the less likely Congress is to make any pay increase retroactive to the start of the year, Hobson adds. Doctors will have to make a -significant push- to -get some kind of relief,- he says.

**Pay for performance:** Some leading Democrats in the House have expressed skepticism about pay-for-performance (P4P), in which you'd receive bonuses for reporting quality information and meeting quality standards. But the concept has bipartisan support in the Senate, Hobson notes. Democrats are less likely to believe that P4P will lead to payment savings, instead of just boosting quality.

