

## Eli's Hospice Insider

### Legislation: New Budget Law Axes 'Super-MedPAC' Board

#### Option to pass the buck to appointed board now gone.

While the **Independent Payment Advisory Board** created by the Affordable Care Act was never convened, many Medicare providers are glad to see it finally killed off in the Bipartisan Budget Act signed into law Feb. 9.

**Background:** The 2010 law created the appointed board, which would make compulsory Medicare payment cut recommendations if certain spending triggers were met. Congress could block the recommendations, but only with "a supermajority vote in Congress" of two-thirds, notes Rep. **Jason Lewis** (R-Minnesota) in a release. The panel's decisions would be "free from judicial review and delegates far too much power to the Executive Branch."

Health care industry opponents of the Board sometimes called it "Super-MedPAC," noting the **Medicare Payment Advisory Commission's** penchant for recommending rate freezes for hospices. Members of Congress disliked that the power to control Medicare's purse strings would be taken away from them and handed over to an appointed body.

"The IPAB was a mistake when first drafted," insists finance expert **Tom Boyd** with **Simione Healthcare Consultants** in Rohnert Park, California. "Like now, 535 people in the Senate and House could not come to a consensus on policies and budgets. The passing of the buck to an appointed board was an excuse to avoid responsibility," Boyd tells **Eli**. "It remains to be seen if Congress can do better without it," he adds.

"Repealing the IPAB has been a priority since its inclusion in the Affordable Care Act," says the **National Association for Home Care & Hospice**. "While this advisory board was never officially established, or made actions, it posed a threat to payment rates and other potential cuts."

If the IPAB had formed and made cuts, "Congress and the Administration would have had limited ability to avert their work," NAHC notes in its member newsletter. "Eliminating its existence will protect providers from unfair and unjustified cuts."

Repeal of the 15-member board came at a price, however. The **Congressional Budget Office** estimates that killing the panel will increase federal spending by \$17.5 billion over 10 years, notes The New York Times.

"Repealing IPAB is one of the rare bipartisan agreements in health policy," says **Heritage Foundation** senior research fellow **Robert Moffit** in a statement. "Many Democrats as well as Republicans have long understood that this body could do serious harm to seniors."