



BOS Washington Update



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BOS Washington Update is a benefit for AAOS Board of Specialty Societies (BOS) members. For more information, please contact Jamie Gregorian in the AAOS Office of Government relations at gregorian@aaos.org or 202.546.4430.

After a tumultuous finish, Congress headed out of town last Friday, one day later than planned. The delay's culprit was an immigration bill that was supposed to pass on Thursday only to be pulled from the floor by House leadership after it became clear the bill would fail. The House returned to pass a different version of that bill, but one that stood no chance of passage in the Senate. And so Congress heads home until September 8th, when they will return for two weeks until the election, after which they will hold a lame duck session.

House Approves Resolution Authorizing ACA Lawsuit. On July 30th, the House voted 225-201 to approve a resolution (H. Res. 676) authorizing a lawsuit against President Obama for his use of executive action to delay the Affordable Care Act's employer mandate. The vote was mostly a partisan one, with five Republicans and every Democrat voting against it. The lawsuit charges that delay of the employer mandate falls outside the constitutional powers of the President. The majority's argument is that the delay should have been authorized and enacted by Congress rather than directed by the Executive. Though the lawsuit was approved, it has not been filed and there is no timeline for doing so. ([California Healthline](#))

Prelude to Impeachment? The lawsuit has led to increasingly contentious exchanges between the White House and GOP leaders, particularly over whether the lawsuit is a prelude to the House seeking to impeach President Obama. "This isn't about this lawsuit. You don't sue somebody unless you want to prove that they are wrong," House Minority Leader Nancy Pelosi (D-Calif.) said during a press briefing in the Capitol. "This is about the road to impeachment. And if it is not, the Speaker has to say one simple sentence: 'Impeachment is off the table.'" Republicans leaders have said they have no connection to calls to impeach President Obama and such a notion is merely a Democratic fundraising ploy. ([The Hill](#))

While We're Talking Mandates... Although the Congressional Budget Office (CBO) and the Joint Committee on Taxation (JCT) earlier projected that 6 million people will pay a penalty under the Affordable Care Act's individual mandate because they lack health insurance in 2016, the latest estimate lowers the number projected to pay a penalty to 4 million. A total of 30 million people are expected to be uninsured, meaning that just over 10% of the uninsured would actually pay a penalty. ([WSJ](#) (behind paywall)).

RAC 'Em Up. On Monday, CMS announced that Recovery Audit Contractors will resume work this month to review some claims for improper Medicare payments. In a statement, CMS said that "In order to fulfill our statutory requirement to identify and correct improper payments in the Medicare program, we are allowing a limited number of reviews to be restarted by our existing Recovery Auditors while these contract contests are fully resolved." The reviews include spinal fusions, outpatient therapy services, durable medical equipment, prosthetics, orthotics and supplies; and cosmetic procedures. ([Health Data Management](#))

Declines in Health Spending...But Why? Between 2000 and 2007, health spending grew on average by 6.6 percent, but that was cut to just 3.3 percent from 2008 to 2011, raising hopes that skyrocketing costs might not be inexorable and that the Affordable Care Act might be the needed brake. The Obama administration has given its signature health care law credit for the unusual trend line, but a new study suggests that the economic slowdown explained approximately 70 percent of the slowdown in health

spending growth. ([Health Affairs](#) (subscription))

President Signs VA Bill. Noting that bipartisan support for legislation “doesn’t happen often in Congress,” President Barack Obama signed into law a nearly \$17 billion package to overhaul the troubled Department of Veterans Affairs today at Fort Belvoir in Virginia. The bill provides for greater accountability at the VA and opens the door to more private physician care for VA patients. The bill makes it easier for VA patients who either live more than 40 miles from a VA facility or who are on too long of a wait list to get care outside the VA, and have the VA reimburse the physician. ([Washington Post](#))

More Fun with ICD-10. Tonight, *BOS Washington Update* heads to Martha’s Vineyard for some rest and relaxation. While we’re still waiting on a golf invitation from President Obama (who is also Vineyard-bound this weekend), we plan on making sure to be ready when that call comes. Because we don’t particularly excel at the sport, we rest easy knowing that “Struck by golf club” has its own [ICD-10 code](#).