# Urging Congress to Take Action to Stop Medicare Cuts

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**Alec Bose:**

In 2019, Congress passed changes to the Medicare payment policy that would have led to steep cuts to pathology services this year. Fortunately, the CAP was able to vigorously advocate to mitigate the payment cuts down from 9% to under 3%. While the fight continues and more cuts face pathologists in the future, the CAP has had key victories along the way thanks to the advocacy of our members. In this CAPcast, we are joined by Dr. Joe Saad, vice chair of the Council on Government and Professional Affairs, and Dr. Walter Klein, who has participated in virtual lobbying meetings with his members of Congress and has attended previous CAP Hill Days. They will get into greater detail and give pathologists tips on how to conduct a virtual meeting with a senator or representative in Congress. Dr. Saad, Dr. Klein, thank you for joining us today. We really appreciate you being with us.

**Dr. Joe Saad:**

Thank you.

**Dr. Walter Klein:**

Thank you. Pleasure.

**Alec Bose:**

So starting with Dr. Saad, can you discuss the current Medicare reimbursement environment and the challenges pathologists face?

**Dr. Joe Saad:**

Sure. In recent years, healthcare reforms have sought to invest more in primary care. Back in 2007, reevaluation of the evaluation of management codes, or E & M codes, resulted in an overall cut of minus 7% to pathology services. At that time, the CAP mitigated even greater cuts. In 2018, the CAP opposed a similar change to E & M services, and Medicare was convinced to delay action in order to gather more stakeholder input. The CAP worked with the AMA on the evaluation management coding system proposal and brought it back to the Centers for Medicare and Medicaid studies back in 2019. They accepted these changes, but went even further to boost primary care starting in 2021. Since 2019, we've been lobbying to reverse and mitigate the resulting cuts for pathologists. The CAP's lobbying efforts were very active throughout last year.

You'll probably remember the Stop the Cuts campaign. Congress responded and officially took action on December the 21st. At the time, lawmakers passed legislation that mitigated the majority of the cut. They had to do this by adding about $3 billion to the Medicare budget for 2021, since this is a budget neutral program. What was once expected to be a cut of minus 9% for pathology services and up to minus 5% for independent laboratory, has been drastically reduced for 2021 to about 2.25%. However, there are more cuts on the horizon, and the CAP's working to stop or mitigate them again. Specifically, the cut to pathologists set to take effect in 2022 will increase the decrease to minus 6%. That's on top of a minus 2% sequestration that's been on hold since the beginning of the pandemic and expires at the end of this year. So very, very tough future for Medicare cuts.

**Alec Bose:**

Dr. Klein, what have you discussed with your federally elected officials when you have engaged with them on the topic of the Medicare reimbursement policy?

**Dr. Walter Klein:**

Thanks. As Dr. Saad mentioned, he described these cuts in great detail, and these were the issues that I have discussed with the health aids of the congresswoman and senators that we approached last year. As you know, with the COVID Pandemic, we've had to do these meetings and calls via Zoom and haven't had in-person meetings, which we have had normally in the past. So I was fortunate to participate with my local congressman and her health LA and also one of my senators here in Pennsylvania and discuss with his staffer and health policy advisor for health affairs. So these meetings are fantastic and it gives us an opportunity to educate the congresswoman and senators about these issues.

They are familiar with them because they get approached by many constituents regarding these types of cuts, but it's always good to bring the pathologist perspective and the perspective that we share as pathologists and also more importantly, how this impacts our patients. So the bottom line, I would say, when meeting with our congressmen and senators, is really to address these issues from the standpoint of how it impacts the services we provide and ultimately how our patients are affected by these types of cuts. And I think that message hits home the best when we show that it's not just about payment per se, but it's really about the services that we provide our patients and the access of care that our patients need in these difficult times.

**Alec Bose:**

Dr. Saad, that is a great segue to my next question, which is what is the CAP doing to mitigate these Medicare cuts and protect the value of pathology services?

**Dr. Joe Saad:**

Well, the CAP has taken a multi-pronged approach to trying to mitigate these cuts. First of all, the CAP is working with a large coalition of our fellow physician colleagues who are also subject to similar cuts. This coalition is over a hundred groups strong. The second thing is, we're activating pathologists and encouraging them to engage with elected officials in Washington DC. A great way to do this is through the Physician's Leadership Summit Hill Day, which is coming up, it kicks off with the House of Delegates on April the 30th, so just in less than two weeks. So get involved, sign up for the Pathologist Leadership Summit. If you're in novice, it's a great way to get right into it. If you're experienced, it's great to be there.

If you've been there before, although this time it's going to be virtual, a great way to interact with your elected officials and to educate them about the impacts these cuts will have on pathology. And finally, our political action committee, Path Pack, is creating additional opportunities to connect pathologists with members of Congress. So if you're not able to go to the PLS, maybe you can do it after the PLS through the Path Pack, but even if you do go to the PLS, there'll be additional opportunities after that meeting to also interact.

**Alec Bose:**

Dr. Klein, can you talk a little bit about what you've heard from your members of Congress?

**Dr. Walter Klein:**

Sure. That's a great question. So with these meetings, we're there to educate them and bring forward and ask. It helps, I think, when you have a relationship with that staffer, perhaps from a previous meeting or a previous encounter. And I've been fortunate that in the last many years I've participated in the annual policy meeting, which Dr. Saad now mentioned, is called the Pathologist Leadership Summit. When you attend this meeting, it helps you fine tune the way you approach a staffer or if you're lucky enough to actually meet the congressperson or senator. I think the relationships are really the key and you generally get a more favorable response, I would say, or at least a response that values your time and the time of your colleagues.

I would say from my personal experience, I've had good responses. I've known some of these staffers for some time, and it helps when you have a relationship and the responses have been ongoing and my collaboration and communication with the staffers at these various offices, it's a never ending process. So I think the key is to build that relationship, make it go on forward, and keep in contact with them, and that's how you get a response and you know that they're listening to what you want to discuss with them at that particular point in time.

**Alec Bose:**

A question to both of you, how did you feel when you first were doing one of these... Meeting with your congressional officials? Were you nervous? Were you excited? Were you apprehensive? Talk about that.

**Dr. Walter Klein:**

I think the first time I did one of these meetings was probably about 10 years ago, and I was certainly very nervous at the beginning. It the first time I've ever met a staffer or a Congress person or senator, first time I was in DC, looking at those big giant buildings and all these other people walking around, it was a little intimidating. But to be honest with you, once I got in there, I realized how much I really enjoyed doing this, and within a few minutes I became quite calm. I realized that for the most part, you're there to educate them and they may know very little to nothing about the issue, and they appreciate the time you're taking there as a constituent to educate them on the issue. It's normal to be nervous at the beginning. I think that's a completely understandable reaction for us to have. But I think most of us get over that pretty quickly, and that's why we keep doing this.

**Dr. Joe Saad:**

And I agree with Dr. Klein. My experience was similar. I was quite nervous in the beginning, but also very excited. And once I got there, the energy was great. You're there with your colleagues, you're going to the Capitol, and like Dr. Klein said, we're the subject matter experts there. And so they're there to listen to us and to learn from us. And it was a great experience. Quite addictive actually. After my first time back in 2008, I've been back and back at least 10 times since then, and I'll continue to go back as often as I can.

**Alec Bose:**

So before we go, this is a question to you both. Is engaging with your member of Congress over a virtual platform like Zoom different than meeting in person? And are there any advantages to a virtual meeting? Dr. Saad, we can start with you.

**Dr. Joe Saad:**

Zoom meetings are different than in person meetings. In the past year, we've all done many Zoom meetings, I'm sure. It's not ideal, but it's actually a pretty good way to be able to connect, given the circumstances of the pandemic and our inability to travel and meet face-to-face. It does offer advantages. First of all, it's time efficient. You don't have to travel and you don't have to stay in a hotel and you can be in your office, you can be doing work in between Zoom meetings. You can line them up back to back and be very efficient, do several in a couple of hours, or you can even be at home and be relaxed and have a cup of coffee or something and do a Zoom meeting. It does have advantages. It doesn't replace a face-to-face meeting. We all miss those face-to-face meetings and hope that we can get back to them in the near future. But for the time being, they're very effective and a good way to connect with your representatives.

**Dr. Walter Klein:**

Yeah, I would echo what Dr. Saad said. I think the Zoom meetings in general have lots of advantages, but it can't really replace these in-person meetings, face-to-face meetings. And all of us, I think, can attest to Zoom fatigue over the last year. Surely there are advantages to Zoom, but in the long term, I think we all are looking forward to the time where we can meet in person with our congresswoman and senators and there respective aids.

**Alec Bose:**

Thank you, and I think that's where we're going to leave it. Dr. Saad, Dr. Klein, thank you so much for joining us.

**Dr. Joe Saad:**

Thank you. A pleasure.

**Dr. Walter Klein:**

Thank you. Thanks a lot. Have a good one.

**Alec Bose:**

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