MACRA, MIPS & More: Making it all Manageable

University of Texas 29th Annual Health Law Conference April 5-7, 2017

Presented by: David Hilgers, Husch Blackwell LLP. Sidney Welch, Polsinelli PC



Presentation Overview



- MACRA background and policy objectives
- Merit-Based Incentive Payment System (MIPS)
- Alternative Payment Models (APM)
- Implications, issues, concerns and opportunities
- Problems, Pitfalls & Practical Guidance
- Questions

Physician Payment



- Based on a complicated formula:
 - Facility or Non-Facility Pricing Amount =
 [(Work RVU * Work GPCI) +
 (Transitioned Facility or Non-Facility PE RVU * PE GPCI) +
 (MP RVU * MP GPCI)] * Conversion Factor (CF)
- Initial conversion factor was created in 1992 and adjusted annually based on three factors:
 - The Medicare Economic Index (MEI)
 - RVU budget neutrality
 - Medicare expenditures for physician services as compared to a sustainable growth rate

3

Sustainable Growth Rate



- For the first few years of SGR, Medicare expenditures did not exceed targets and doctors received modest pay increases
- In 2002, doctors faced a 4.8% pay cut
- Every year since 2002, Congress has passed legislation to temporarily defer these physician pay cuts



Too many payment patches

Law	Cut Year	Score (bil.)
PL 108-7	2003	\$54.0
PL 108-173	2004, 2005	\$0.2
PL 109-171	2006	-\$0.4
PL 109-432	2007	\$3.1
PL 110-173	2008 (6 mos)	\$6.4
PL 110-276	2008 (6 mos), 2009	\$9.4
PL 111-118	2010 (2 mos)	\$2.0
PL 111-144	2010 (1 mo)	\$1.0
PL 111-157	2010 (2 mos)	\$2.0

Law	Cut Year	Score (bil.)
PL 111-192	2010 (6 mos)	\$6.0
PL 111-286	2010 (1 mo)	\$1.0
PL 111-309	2011	\$14.9
PL 112-78	2012 (2 mos)	\$3.6
PL 112-96	2012 (10 mos)	\$18.0
PL 112-240	2013	\$25.2
PL 113-67	Jan-Mar 2014	\$7.3
P.L. 113-93	Apr 2014-Mar 2015	\$15.8
Total Cost		\$169.5

Source: Congressional Budget Office 2015

Pre MACRA Goals



Medicare Fee-for-Service

Medicare payments are tied to quality or value through alternative payment models (categories 3-4) by the end of 2016, and 50% by the end of 2018



Medicare fee-for-service payments are tied to quality or value (categories 2-4) by the end of 2016, and 90% by the end of 2018





Consumers | Businesses Payers | Providers State Partners





Source: Centers for Medicare & Medicaid Services (CMS)





Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the <u>UT Law CLE eLibrary (utcle.org/elibrary)</u>

Title search: MACRA, MIPS and More: Making it all Manageable

Also available as part of the eCourse MACRA, MIPS and More: Making it all Manageable

First appeared as part of the conference materials for the 29th Annual Health Law Conference session "MACRA, MIPS and More: Making it all Manageable"