

2022 Legislative & Regulatory Priorities and Accomplishments

The American Association of Neurological Surgeons and the Congress of Neurological Surgeons made significant strides in accomplishing their 2022 legislative and regulatory agenda, thus ensuring that neurosurgical patients continue to have timely access to quality care.

PROTECT PATIENTS' TIMELY ACCESS TO CARE

Bipartisan legislation to streamline prior authorization in the Medicare Advantage program — the ***Improving Seniors' Timely Access to Care Act*** (S. 3018 / H.R. 3173) — garnered overwhelming support from 380 members of Congress. The House of Representatives unanimously passed the bill, and the Centers for Medicare & Medicaid Services (CMS) issued proposed rules that mirror the provisions in this legislation. Compliance with Medicare's appropriate use criteria program for advanced diagnostic imaging was delayed indefinitely.

FIX THE BROKEN MEDICAL LIABILITY SYSTEM

Legislation based on proven reforms that are in place in California and Texas — the ***Accessible Care by Curbing Excessive LawSuits (ACCESS) Act*** (H.R. 9584) — was introduced. Additional liability protection for volunteers — the ***Good Samaritan Health Professionals Act*** (S. 2941 / H.R. 5239) — and legislation to protect providers from COVID-19-related lawsuits — the ***Coronavirus Provider Protection Act*** (H.R. 3021) — was considered.

IMPROVE THE HEALTH CARE DELIVERY SYSTEM

The ***Consolidated Appropriations Act, 2023*** (P.L. 117-328) extended funding for the Children's Health Insurance Program (CHIP) for two years through fiscal year 2029. Medicaid and CHIP will now offer 12 months of continuous coverage for children to ensure that the 40 million children on Medicaid and CHIP have uninterrupted access to health care throughout the year.

ALLEVIATE THE BURDENS OF ELECTRONIC HEALTH RECORDS

CMS took multiple steps to improve interoperability and reduce burdens associated with data sharing. To improve mental health among health care professionals, the ***Dr. Lorna Breen Health Care Provider Protection Act*** was signed into law (P.L. 117-105).

SUPPORT QUALITY RESIDENT TRAINING AND EDUCATION

Recognizing the need to ensure the availability of well-educated and trained physicians, the ***Consolidated Appropriations Act, 2023*** funded 200 additional Medicare-supported graduate medical education (GME) positions and increased funding for the Children's Hospital GME. Additionally, legislation to add 14,000 Medicare-funded residency training positions and defer medical student loan interest during residency — the ***Resident Physician Shortage Reduction Act*** (S. 834 / H.R. 2256) and the ***Resident Education Deferred Interest Act*** (S. 3658 / H.R. 4122), respectively — achieved strong bipartisan support.

CONTINUE PROGRESS WITH MEDICAL INNOVATION

Increased funding for the National Institutes of Health, Food and Drug Administration (FDA) and other federal agencies, whose research investments are responsible for incalculable medical breakthroughs, was included in the ***Consolidated Appropriations Act, 2023***. The legislation also contains numerous FDA reforms, including measures to update the agency's accelerated approval pathway and increase diversity in clinical trials. Also included was the Non-Opioids Prevent Addiction in the Nation Act, establishing separate payments for certain non-opioid treatments in the hospital outpatient setting.

CHAMPION FAIR REIMBURSEMENT

The ***Consolidated Appropriations Act, 2023*** mitigated steep Medicare cuts, forestalling 6.5% of an 8.5% payment cut in 2023. The bill also provided an additional 1.25% of relief to alleviate future cuts in 2024. The AANS and the CNS led two amicus brief initiatives in support of lawsuits challenging the process for resolving payment disputes between commercial health plans and providers under the ***No Surprises Act***. Rules issued by CMS created a *de facto* federal payment benchmark based on median in-network rates — which unfairly favors insurers when settling payment disputes. Physicians prevailed in the first lawsuit, and the court will issue its opinion in the second lawsuit in early 2023.



American Association of Neurological Surgeons



AANS/CNS Washington Committee for Neurological Surgery



Congress of Neurological Surgeons