

MEMORANDUM

Agenda Item No. 11(A)(2)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: September 19, 2023

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution urging the United States Congress to enact the Strengthening Medicare for Patients and Providers Act, H.R. 2474, or similar legislation to provide annual inflation-based updates to Medicare physician pay

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Senator René García.


Geri Bonzon-Keenan
County Attorney

GBK/gh

MDC001



MEMORANDUM
(Revised)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: September 19, 2023

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 11(A)(2)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Statement of social equity required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(2)
9-19-23

RESOLUTION NO. _____

RESOLUTION URGING THE UNITED STATES CONGRESS
TO ENACT THE STRENGTHENING MEDICARE FOR
PATIENTS AND PROVIDERS ACT, H.R. 2474, OR SIMILAR
LEGISLATION TO PROVIDE ANNUAL INFLATION-BASED
UPDATES TO MEDICARE PHYSICIAN PAY

WHEREAS, annually, the United States Centers for Medicare and Medicaid Services issues a Medicare Physician Fee Schedule proposed rule, which is used to determine physician reimbursement under Medicare; and

WHEREAS, it is reported that under the current formula, the Medicare Physician Fee Schedule updates do not vary based on underlying economic conditions, and are not expected to keep pace with the average rate of physician cost increases; and

WHEREAS, according to the American Medical Association (“AMA”), while physician practice costs rose by 47 percent from 2001-2023, Medicare physician payment rates fell 26 percent during that same period, when adjusted for inflation; and

WHEREAS, physicians have endured challenges in recent years including the burdens associated with coronavirus disease 2019, increasing health care costs, and high inflation; and

WHEREAS, such financial challenges can hinder physicians’ ability to adequately pay staff, purchase new equipment, and invest in their practices; and

WHEREAS, it is reported that an increasing discrepancy between the cost to run a physician practice and actual payment is contributing to provider burnout; and

WHEREAS, low operating margins disproportionately affect small, independent, and rural physician practices, as well as those treating low-income or other historically minoritized or marginalized patient communities, according to the AMA; and

WHEREAS, in March 2023, the Medicare Payment Advisory Commission advised Congress to update the Medicare physician payment formula by providing physicians with an annual inflation-based update tied to the Medicare Economic Index (“MEI”), which is a measure of practice cost inflation to estimate annual changes in physicians’ operating costs and earnings levels; and

WHEREAS, United States Representative Raul Ruiz, M.D. (D - California) and a bipartisan coalition of members of Congress introduced and sponsored House Resolution 2474 (“H.R. 2474”), for consideration during the 118th Congress; and

WHEREAS, H.R. 2474 would amend title XVIII of the Social Security Act to update the Medicare Physician Fee Schedule to utilize a single conversion factor based on the MEI, thereby providing an annual inflation-based update to Medicare physician payments; and

WHEREAS, a stated purpose of H.R. 2474 is to address payment uncertainty affecting Medicare-participating physicians and to avoid a possible physician shortage for Medicare beneficiaries; and

WHEREAS, failure to adequately reimburse physicians for care provided to Medicare beneficiaries could result in some providers closing their practices or ceasing to accept Medicare patients, thereby reducing the availability of quality health care services to a population that needs them; and

WHEREAS, indeed, a 2023 report of the Medicare Board of Trustees stated that failure to update the methodology currently used to determine physician payment could decrease access to Medicare-participating physicians in the long term; and

WHEREAS, while physician payment under the current Medicare Physician Fee Schedule applies specifically to services provided to Medicare beneficiaries, these reimbursement rates ultimately impact other beneficiaries as well, since Medicaid programs and private insurers utilize these rates as standards for their own payment rates and coverage policies; and

WHEREAS, it is important to this Board that physicians, including those that serve traditionally underserved communities in Miami-Dade County, are reimbursed under Medicare in a manner that accounts for the rising costs of providing care to patients; and

WHEREAS, accordingly, this Board expresses its support for the Strengthening Medicare for Patients and Providers Act, H.R. 2474, or similar legislation that would ensure annual inflation-based updates to physician pay under Medicare,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Urges the United States Congress to pass the Strengthening Medicare for Patients and Providers Act, H.R. 2474, or similar legislation to provide annual inflation-based updates to Medicare physician pay.

Section 2. Directs the Clerk of the Board to transmit a certified copy of this resolution to the members of the Florida Congressional Delegation, United States Representative Raul Ruiz, and the Secretary of the United States Department of Health and Human Services.

Section 3. Directs the County’s federal lobbyists to advocate for the passage of the legislation set forth in section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2023 Federal Legislative Package to include this item.

The Prime Sponsor of the foregoing resolution is Senator René García. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Oliver G. Gilbert, III, Chairman	
Anthony Rodríguez, Vice Chairman	
Marleine Bastien	Juan Carlos Bermudez
Kevin Marino Cabrera	Sen. René García
Roberto J. Gonzalez	Keon Hardemon
Danielle Cohen Higgins	Eileen Higgins
Kionne L. McGhee	Raquel A. Regalado
Micky Steinberg	

The Chairperson thereupon declared this resolution duly passed and adopted this 19th day of September, 2023. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

JUAN FERNANDEZ-BARQUIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Kevin Marker
Christopher C. Kokoruda