

**ASA and Society for Ambulatory Anesthesia:
Partnering for a Better Future**
Ronald L. Harter, MD, FASA | President-Elect
May 20, 2023



asahq.org

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Disclosures & Objectives

Nothing to disclose

Participants will learn:

- How ASA is working with SAMBA to address current and emerging opportunities
- Key trends and challenges facing the specialty in the market, legislatures, and regulatory agencies, both nationally and in the states



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Special “Thank You” to SAMBA Leadership



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Treasurer



Victor Davila, MD, FASA
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- Alberto Ardon, MD, MPH
- Catherine Tobin, MD, FASA
- Fred E. Shapiro, DO, FASA
- Srinivas “Sriini” Pyati, MD
- Michael O’Rourke, MD, FASA
- Michael Presta, MD, FASA



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We are ASA: Leaders in Patient Safety

Mission: Advancing the practice and securing the future

Vision: A world leader improving health through innovation in quality and safety

Values: Patient safety, physician-led care and scientific discovery

Strategic Pillars

1. Advocacy
2. Quality & Practice Advancement
3. Educational Resources
4. Member Engagement
5. Leadership & Professional Development
6. Research & Scientific Discovery
7. Stewardship of the Society & Specialty

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the ANESTHESIOLOGY
annual meeting
Awards of Excellence
SAN FRANCISCO | OCTOBER 19-21, 2023

Breakthrough ideas.
Stimulating research.
Extensive CME.

We're headed to the Golden City for the best learning opportunity of the year.

Say yes to #ANES23:
asahq.org/annualmeeting

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Ambulatory Anesthesia at ANESTHESIOLOGY® 2023

SAMBA Panel
Society for Ambulatory Anesthesia (SAMBA) Did You Know? Highlights 2022-23

Ambulatory Anesthesia Sessions

- 20 Ambulatory Anesthesia Sessions
- 76% of presentations submitted were accepted
- 7 Panels
- 4 Refresher Course Lectures
- 1 Clinical Forum
- 6 Snap-Talks
- 1 Point-Counterpoint
- 1 Workshop

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Ambulatory Anesthesia at ANESTHESIOLOGY® 2023

Special Thanks to Educational Track Subcommittee on Ambulatory Anesthesia

Basem Abdelmalak, MD, FASA, Chair	Kelly Lebak, MD, FASA
Mark Phillips, MD, FASA, Vice Chair	Keira Mason, MD
Claude Abdallah, MD, MS, FASA	Sher-Lu Pai, MD, FASA
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Basavana Goudra, MD, FCARCSI, FRCA, FASA	Mary Ann Vann, MD, FASA
Atul Gupta, MB	LyTorre Vidaurri, MD
Uday Jain, MD, PhD, FACA, FASA	Audra Webber, MD
Sakura Kinjo, MD	

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Ambulatory Anesthesia at ANESTHESIOLOGY® 2023

Special Thanks to Abstract Review Subcommittee on Ambulatory Anesthesia

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Shreya Aggarwal, MD	Elaine Liew, MD, FRCA
Kara Barnett, MD, FASA	Janine Limoncelli, MD
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Shaina Drummond, MD, FASA	Chhaya Patel, MD
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Advocacy Update

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Hot Issue – New DEA Training Requirement

- The Drug Enforcement Administration (DEA) and the Substance Abuse and Mental Health Services Administration (SAMHSA) recently released guidance on new one-time mandatory training
- 8-hour training requirement
- Effective June 27, 2023, **all** DEA registrants must complete the one-time training requirement prior to renewing their DEA registration
 - Note: June 27, 2023, is **not** the deadline for completing the training requirement
- Compliance is via attestation only
- Requirement can be met using resources from CME providers
- ASA resources are now available

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Courses to Meet New DEA Requirement

ASA Courses:

- DEA Medication-Assisted Treatment (MAT) of Opioid Use Disorder
 - Meets the 8-hour DEA training requirement
 - Free for ASA members
 - asahq.org/shop-asa/e023r00w00
- Opioid Safety Strategies Course
 - Meets 6 hours of the 8-hour requirement
 - \$49 for ASA members
 - asahq.org/shop-asa/e022s10w02

AMA Courses:

- As another option, the AMA is also offering courses that satisfy this requirement; some of which are available for free at their "Substance Use Disorders and Addiction Education to Meet New DEA Requirements" page
- edhub.ama-assn.org/course/302

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Worrisome Trifecta - Medicare, Insurers, AANA

- **Federal**
 - Medicare Payments
 - No Surprises Act (NSA) Implementation
 - Protecting Physician-Led Care
 - VA
 - Medicare Supervision
- **In the States**
 - Protecting Physician-Led Care
 - Medical Title Misappropriation
 - CAAs

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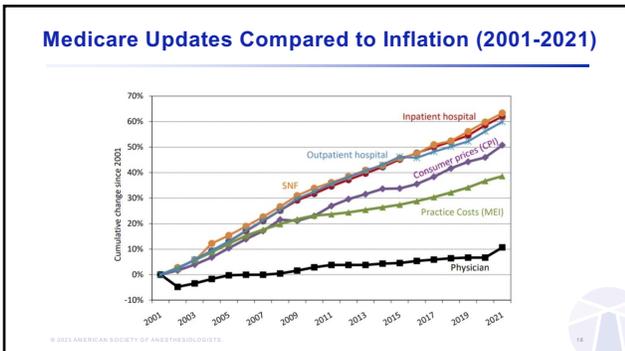
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Medicare: Broken Payment System

American Society of Anesthesiologists | SOCIETY FOR REGULATORY ANESTHESIA (SAMBA)

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Medicare Payments 2023 – Next Steps

- **Consensus Reforms Sought** (Surgical Care Coalition, AMA)
 - Annual Inflation Adjustment
 - Reforms to Budget Neutrality
 - More Opportunities for Alternative Payment Models

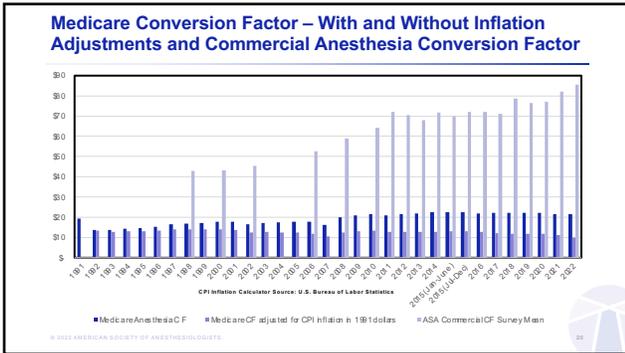
Bucshon Looks For Bipartisan Medicare Pay Reforms As Docs Push For Stability

“...the partial mitigation included in last year’s spending bill isn’t enough for physicians or to protect Medicare beneficiaries’ access to care, and the first step lawmakers need to take is an oversight hearing on what he views as a flawed Medicare Access and CHIP Reauthorization Act and faulty physician pay policies.”

InsideHealthPolicy.com, February 1, 2023

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- ### “33% Problem”
- Committee on Economics – “33% Problem” Subcommittee
 - Compare Medicare fee-for-service payment rates for anesthesia services with payments in other government programs
 - Compare Medicare fee-for-service payment rates with Medicare per unit spending for the Medicare rural pass-through program
 - Explore other payment options
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New “33% Problem” Initiative: CMS vs. CMS

HEALTH DATA ANALYTICS INSTITUTE

Table 2. Estimated Rural Pass-through (RPT) Equivalent Conversion Factors (CFs) Compared to Medicare and Commercial CFs, 2017-2019

Metric	2017	2018	2019
Medicare Conversion Factor (CF)	\$22.05	\$22.19	\$22.28
ASA Survey Commercial CF	\$71.02	\$78.57	\$76.32
Rural Pass-through Equivalent CF			
Median	\$43.62	\$42.11	\$40.53
Mean ¹	\$81.02	\$83.73	\$75.26
Percentage Above/(Below):			
Medicare CF	267	277	238
Commercial CF	14	7	(1)

Medicare Anesthesia Rural Pass-Through (RPT) is Part A reasonable cost-based mechanism for low-volume rural hospitals utilizing CRNAs only. Used in lieu of Part B fee-for-service.

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- ### New “33% Problem” Initiative: Legal Challenge?
- Are anesthesiologists compelled to provide services to Medicare beneficiaries for unreasonable payments?
 - Does the Fifth Amendment “Takings Clause” apply to “33% Problem?”
 - Does the “No Surprises Act” federal rate setting of commercial payment strengthen “Takings Clause” argument?
- Garelick v. Sullivan**, decided against Garelick March 5, 1993
- “The central questions presented by this appeal are whether a federal statutory scheme designed to control Medicare costs has caused a *taking of property from plaintiff anesthesiologists* requiring compensation under the Fifth Amendment...”
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- ### Center for Anesthesia & Perioperative Economics (CAPE)
- Approved by the Board of Directors in August and House of Delegates in October
 - Q1 2023 launch and will:
 - Elevate profile of payment strategy in ASA and serve as a point of interaction with CMS, the insurance industry, and other stakeholders
 - Serve as a resource for policy development
 - Focus member and staff on a comprehensive strategy
 - Medicare
 - Medicaid
 - Commercial payment
 - Current status:
 - Steering Committee being appointed
 - Initial work: SWOT analysis, 2 to 3-year goals, resource plan
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No Surprises Act Implementation

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No Surprises Act (NSA)

- Protect patients from surprise bills ✔
- Increase health care cost transparency for patients ✔
- Create a mechanism for physicians and payers to resolve payment disputes ✘

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No Surprises Act (NSA) Implementation

- Agencies have botched implementation of balanced law
- Erroneous and unlawful NSA rules and guidance are empowering payers to use aggressive negotiating techniques
 - Unreasonably low initial payments/qualifying payment amounts (QPA)
 - Improper weighting of QPA by independent dispute resolution (IDR) entities
 - Overly restrictive batching rules and guidance
 - Excessive administrative fees to access IDR process
 - Insurers withholding payments from physicians who prevail in IDR process

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Insurers Leveraging Flawed Implementation: Practices Pushed Out-of-Network

Following the passing of the No Surprises Act, [redacted] evaluated contracts for services associated with this Act and is bringing them in line with current market compensation for similar services. Due to the financial challenges impacting our customers and the healthcare environment, [redacted] is unable to move forward with the present contract in effect between [redacted] and [redacted].

Excerpt from a letter from a large national insurer to an anesthesiology group terminating an existing 10-year-old contract.

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Potential Remedies

- Regulatory
- Legal
- Legislative

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ASA NSA Coalitions and Workgroups

- ASA, ACR, ACEP
- Network Adequacy Workgroup
- No Surprises Act Workgroup

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ASA NSA Legal Efforts

- TMA I (2/25/2022) challenging primacy of QPA in IDR process - **Won**
 - AMA-AHA suit filed in DC (withdrawn)
 - ASA-ACEP-ACR suit filed in Chicago (withdrawn)
- TMA II (9/22/2022) challenging primacy of QPA in Final Rule - **Won (2/6/2023)**
(ASA-ACEP-ACR brief referenced in ruling)
 - ASA-ACEP-ACR amicus brief filed (10/19/2022)
- TMA III (11/30/2022) challenging calculation of QPA - **Pending**
 - ASA-ACEP-ACR amicus brief filed (1/31/2023)
- TMA IV (1/30/2023) challenging fee increase and batching rules - **Pending**
 - ASA-ACEP-ACR amicus brief filed (2/23/2023)

*All TMA suits filed in Tyler, Texas

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Partial Win with NSA Batching

"With regard to your specific recommendation that the Departments allow batching across claims paid under different fully-insured plans offered by the same issuer, I'm pleased to inform you that batching of these claims is allowed under the current batching system."

March 16, 2023, CMS Letter to Dr. Michael Champeau permitting batching of claims by issuer instead of group health plan



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ASA NSA Member Education

- Monday Morning Outreach
- ASA Monitor Today and ASAP
 - "NSA Question of the Week"
- ASA Communities "Ask the Experts"
- ASA ADVANCE 2023
 - President's Update
 - NSA Panel
- No Surprises Act Tool Kit (www.asahq.org)

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Safe VA Care



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VA Scope of Practice: AANA Campaign



"It is imperative the VA move swiftly to grant CRNA's full practice authority..."

Rep. Lauren Underwood (D-IL), nurse



"Veterans need CRNA care now..."

New AANA Misinformation Campaign

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ASA and Allies Preserving "Anesthesia Team"

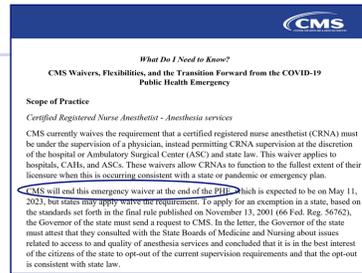
- Congressman David Scott
- Other Congressional allies
- VA officials
- Veteran Service Organizations (VSO)
- ASA grassroots
- Public engagement - national media tour
- Association of VA Anesthesiologists (AVAA)



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Medicare Supervision

- "CMS will end this emergency waiver at the end of the PHE..."



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In the States




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State Physician-Led Care

- Opt-outs
- APRN/CRNA independent practice legislation
 - Introduced in 17 states
 - Current: ASA/State Components have defeated 6 CRNA bills and 2 APRN Compact bills
- Pro-active Medical Title Misappropriation legislation
 - Introduced or being drafted in 9 states
- Pro-active Certified Anesthesiologist Assistants legislation
 - Introduced or being considered in 14 states



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Other Key Federal Initiatives




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Other Key Federal Initiatives

- Workforce legislation
 - Potential Cassidy-Sanders Senate package – ASA has provided recommendations
- REDI Act – resident debt relief
- Support for AHRQ funding via “Friends of AHRQ”
- FTC non-compete rule
- OTC Naloxone (Narcan)
 - 2/15/23 – FDA OTC Narcan hearing - Bonnie Milas, MD and ASA written comments
 - 3/29/23 – FDA approved Narcan for sale OTC



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ASAPAC Update




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Why Contribute? Our Dollars Make a Real Difference

- Patient safety and quality of care
- Economic strength and sustainability of our practices
- Assure anesthesiologist-led team-based care
- Advocating for scientific discovery, the cornerstone of what we are
- Assuring adequate support and advocacy for education and training the next generation of anesthesiologists
- **The power of unity and combined resources!**



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Fiscal Year 2022 Participation: Residency Programs

Platinum Status
Residency programs who achieve 100% ASAPAC participation



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2022 Election Cycle – ASAPAC is #1 again!

Organization	Dollar Amount	
American Society of Anesthesiologists PAC	\$3,950,530	Blue Cross Blue Shield
American Association of Orthopaedic Surgeons PAC	\$2,167,926	\$3,731,753
American Dental Association PAC	\$2,143,337	
American College of Radiology PAC	\$1,935,074	
American College of Dermatology PAC (SKINPAC)	\$1,792,866	American Medical Association
American College of Emergency Physicians PAC	\$1,677,334	\$1,780,757
American Academy of Ophthalmology	\$921,776	
American College of Ob-Gyns	\$830,418	
American Academy of Family Physicians	\$684,730	
American College of Surgeons Professional Assn PAC	\$664,357	
American College of Cardiology PAC	\$646,194	
American Osteopathic PAC	\$590,037	



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Education and Science




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ASA Education Portfolio

- Created and vetted by leading practicing anesthesiologists
- Efficiently master the skills and knowledge necessary for daily practice
- Fulfills MOCA® and CME requirements
- Wide range of topics and formats to suit schedules and preferred learning styles
- Complimentary resident member offerings include 28 patient safety education activities
- Robust joint provider program enabling components and subspecialty orgs to offer *AMA PRA Category 1 Credit™* for CME



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Diagnostic Point-of-Care Ultrasound Certificate Program (POCUS)

Diagnostic Point-of-Care Ultrasound Certificate 2022 Release with FAST exam
Claim up to 45 CME and 10 MOCA® Part 4 points

Part 1: Complete a QI Action Plan (optional)

Part 2: Provide evidence of past POCUS education/training

Part 3: Identify and interpret online cases

Part 4: Perform and acquire images for mentor review

Part 5: Take the final exam

160 cases

EXAM

Achieve your certificate of completion

Find out more: asahq.org/POCUS



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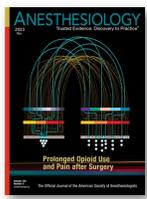
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Anesthesiology

The official peer-reviewed journal of the ASA

- **Enduring Importance and Foundational Value:**
Impact factor 9.198 (previous year 7.892)
- **Publication Speed:** 3 days to online publication after acceptance for original research articles
- **Online Readership:** Over 3.8 million visits in 2022 (49% United States, 51% International)
- **Member Satisfaction:** 87% satisfied/extremely satisfied
- **International Reach:** Over 50% international authors

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Pacira Libel Case Against Anesthesiology

- Lawsuit filed against ASA, *Anesthesiology* editor-in-chief and 11 authors by Pacira Biosciences Inc. dismissed 2/4/22
- Suit filed in April 2021 regarding articles about pain medication, EXPAREL, in February 2021 *Anesthesiology* issue, a related podcast and other materials
- Judge found that a "scientific conclusion based on nonfraudulent data in an academic publication is not a 'fact' that can be proven false through litigation," adding that holding otherwise "would chill robust and open debate about the efficacy of drugs within the medical community."
- Pacira appealed the dismissal and oral arguments were held on 3/6/23
 - Multiple groups filed amicus briefs in support of ASA's position, including the American Medical Association, the Association of American Publishers, and the Council of Medical Specialty Societies
 - On March 24, 2023, the Appellate Court issued an opinion affirming the District Court decision and denying Pacira the opportunity to amend its complaint

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ASA Monitor

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Official news publication of the ASA

- Leading source for objective, timely, fact-based reporting, and thoughtful dialogue for the perioperative health care community
- Columns: In the Know, Trends & Technology, Facility Spotlight, Career Connection, Your Patient's Brain, Ask the Expert, The Curious Economist, Peering Over the Ether Screen, Dr. Gearhead, The Pulse
- Central Line: Inside the Monitor podcasts – monthly podcasts about the featured articles
- **ASA Monitor+ supplement – April 2023**
- Redefining our Future through Economics, Equity, and Patient Safety



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ASA Monitor Today

In early January, *Anesthesiology* Today eNews was rebranded to **ASA Monitor Today** as the official digital companion to the monthly *ASA Monitor*

- Don't miss Tuesday–Friday:
- Aggregated health care news
 - What you should know from ASA



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Leadership and Professional Development Resources

ASA Leadership Academy

- Module 1 - Leadership Roles – Attendees learn ASA's mission and organization, its leadership path, and how to maximize member experience for personal and professional growth
- Module 2 - Creating a Personal Leadership Path - Attendees assess leadership gaps, strengths and create a personal leadership pathway
- **NEW Module 3 coming in 2Q 2023!**



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Residents and Medical Students

Anesthesia Toolbox - high-quality, peer-reviewed educational resources

Focused educational sessions at ASA® ADVANCE

Medical student career development resources

Educational sessions at the ANESTHESIOLOGY® annual meeting

Virtual Grand Rounds modules accessible in the ASA Education Center

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New Early-Career Membership Program

- Aimed at retaining and building loyalty after training
- Customized for graduating residents and fellows
- Offers simple no-fuss discounted three-year ASA membership
- Wealth of educational and professional development resources designed for newly minted anesthesiologist

Learn more about the program: asahq.org/ecmp



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Podcast Series

ASA's Central Line

- Hosted by Dr. Adam Striker
- Real conversations with peers and leaders, providing insights and personal experiences
- 2 episodes/month - covering everything from delirium biomarkers to pediatric pain scales, finding gratitude, and the value of specialty societies

Residents in a Room

- Candid resident conversations, what's keeping them interested and up at night
- 1 episode/month - covering everything from patient safety principles to clinical preparation, advocacy subspecialty pathways, and journal clubs



asahq.org/podcasts

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Thank You



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