Effective Advocacy for for H.R. 3772
AGENDA

• The Coalition
• Nuclear Medicine Overview
• Government Reimbursement Challenges
  – Legislative and Regulatory History
• Defining the Problem
  – Impact on Patients and Innovation
• Legislative Solution
• Patient Advocacy on the Hill
• Q&A
A few years ago, the Appropriate Payment Coalition formed to combat diagnostic reimbursement challenges in the hospital outpatient payment system (HOPPS)
Nuclear Medicine Overview

• Nuclear medicine is precision medicine

• 20 million Americans benefit from nuclear medicine procedures annually

• Diagnostic radiopharmaceuticals are drugs necessary for all nuclear medicine imaging studies to diagnose and determine the severity of disease
  – Parkinson Disease
  – Alzheimer’s Disease
  – Many types of cancer, including NETs, breast cancer, and prostate cancer
  – Cardiovascular Disease
REGULATORY HISTORY

• In the Medicare Modernization Act (MMA) of 2003, Congress specifically designated all radiopharmaceuticals as drugs
  – Under the Medicare hospital Outpatient Prospective Payment System (OPPS), radiopharmaceuticals were paid separately

• In 2008, the Centers for Medicare and Medicaid Services (CMS) interpreted the MMA provisions as expired
  – Began “packaging” diagnostic drugs
Impact of “Packaging” on Patient Access

- Many newer precision diagnostic drugs are used in smaller patient populations, yet their costs are averaged with millions of higher volume lower cost diagnostic drugs, resulting in insufficient reimbursement for the precision diagnostic drugs.
- Hospitals must choose between providing the most appropriate test or receiving significant underpayment from Medicare
- Some hospitals have stopped performing some nuclear medicine imaging studies, forcing patients to go elsewhere for those tests

Impact on Innovation

- Packaging diagnostic drugs hinders cutting-edge radiopharmaceutical drug development, including drug therapies
March 2015
SNMMI, along with CORAR and MITA, submit proposal to CMS to better package diagnostic radiopharmaceuticals

July 2015
CMS releases FY2016 proposed OPPS Rule, which collapses nuclear medicine APC codes

October 2015
Senate and House Letters opposing the changes to nuclear medicine APCs is submitted to CMS
WHAT WE’VE DONE SO FAR: MORE REGULATORY AND LEGISLATIVE HISTORY

**November 2015**
CMS releases final CY2016 HOPPs rule finalizing nuclear medicine APC changes

**September 2018**
Congressman Holding (R-NC) and Congressman Moulton (D-MA) introduced the “Medicare Diagnostic Radiopharmaceutical Payment Equity Act of 2018”

**December 2018**
SNMMI and its Patient Advocacy Advisory Board develop letter of support for the bill, which is ultimately signed by nine patient groups.
Congressmen Peters (D-CA), Holding (R-NC) and Rush (D-IL) have introduced legislation (H.R. 3772) that:

− Creates equity in the payment system by fixing the packaging methodology, requiring Medicare to pay separately for diagnostic radiopharmaceuticals with a mean cost per day that is equal to or exceeds $500

− Applies only to drugs approved by the FDA after January 1, 2008 – date when CMS implemented the bundled payment
The Solution: H.R. 3772

Congressmen Peters (D-CA), Holding (R-NC) and Rush (D-IL) have introduced legislation (H.R. 3772) that:

- Requires budget neutrality
- Ensures that patients receive medically appropriate tests that provide the most accurate diagnosis and treatment plans.
- Holds the patient “harmless” for a co-pay
**July 2019**

Rep. Scott Peters (R-CA), Rep. Bobby Rush (D-IL), and Rep. George Holding (D-NC), introduce bipartisan “Medicare Diagnostic Radiopharmaceutical Payment Equity Act of 2019” (HR 3772)

---

**July 2019**

The Coalition holds a briefing on Capitol Hill to discuss H.R. 3772. SNMMI President Dr. Vasken Dilsizian speaks about the value of nuclear medicine
WHAT WE’VE DONE SO FAR:
POST-BILL INTRODUCTION

**October 2019**
SNMMI holds Hill Day, meeting with more than 50 Congressional offices and committees to discuss nuclear medicine and HR 3772

**December 2019**
Pass-through status is extended for 3 Alzheimer’s PET drugs in appropriations bill

**January 2020**
The Coalition holds another Congressional briefing on “Advancements in Diagnostic Imaging and Alzheimer’s”
WHERE ARE WE NOW?

• The bill is still in Committee
• As of today, we have bipartisan support from 21 sponsors

• We have over 40 supporting organizations
**Our Sponsors**

- Rep. Scott Peters (CA-52)*
- Rep. George Holding (NC-2)
- Rep. Susan Brooks (IN-5)
- Rep. Ann Kuster (NH-2)
- Rep. David Loebsack (IA-2)
- Rep. Gregory Murphy (NC-3)
- Rep. Dean Phillips (MN-3)
- Rep. Bobby Rush (IL-1)
- Rep. Terri Sewell (AL-7)
- Rep. Darren Soto (FL-9)

- Rep. Tim Burchett (TN-2)
- Rep. Raja Krishnamoorthi (IL-8)
- Rep. Ted Lieu (CA-33)
- Rep. Alan Lowenthal (CA-47)
- Rep. Seth Moulton (MA-6)
- Rep. Harley Rouda (CA-48)
- Rep. John Rutherford (FL-4)
- Rep. Elissa Slotkin (MI-8)
- Rep. Bonnie Watson Coleman (NJ-12)
- Rep. Jackie Walorski (IN-2)
Our Strategy Going Forward

• Senate Companion Bill
  – Senate Majority Support
• Virtual Fly-ins
• Virtual Briefings
• Grassroots Letter Writing Campaign
• Patient Stories/Blogs/Op-eds
HOW YOU CAN HELP: ENGAGING CAPITOL HILL
**The Ask**

• Ask your member of Congress to co-sponsor the bill through:
  – Letter writing campaigns
  – Phone calls
  – The Coalition’s virtual fly-ins

• Ask your patient advocacy organization to launch their own campaign
  – Engage and encourage them to:
    • Start a letter writing campaign
    • Participate in their own virtual fly-ins
**ASSIST IN LETTER WRITING CAMPAIGNS**

- The Coalition has launched a grassroots letter writing campaign, making it very easy to contact your member of Congress
- Ask everyone you know to participate
- Go to this [link](https://snmmi.org/campaigns/legislative-efforts)
  - Snmmi.org → Advocacy → Legislative Efforts
Phone Your Member of Congress

• You can locate your U.S. Senators and Representative by using this website: https://www.govtrack.us/congress/members/map

• Review Member biographies
  – Is the Member Republican or Democrat/majority or minority?
  – Does the Member sit on a relevant Committee of jurisdiction?
  – Consider why nuclear medicine access is important in the Member’s district/state and his or her constituents
  – Consider why the Member should be a leader on nuclear medicine access
    • Consistent with other priorities
    • Caucus memberships and public positions
PARTICIPATE IN A VIRTUAL FLY-IN

• Due to COVID-19, the Coalition has been contacting Congressional offices virtually to support and co-sponsor H.R. 3772
• Calls are a brief 30 mins
• You will be part of a team
• To participate in a virtual fly-in, e-mail hpr@snmmi.org
TELL YOUR STORY!

• Provide your personal story
  — Make the connection to members in the Congressional district if possible
  — “In 2012 I was diagnosed with....”
  — “My organization has a chapter in....”

• Express why this issue is important to you
  — Patients do not always have access to innovative diagnostic tools at readily-accessible healthcare locations.
  — We are concerned that the use of sometimes lower cost and/or less effective alternatives can result in more invasive diagnosis procedures, inaccurate diagnosis, and subsequent treatment plans.
THANK YOU! AND QUESTIONS?