

Resolution No. 3

Introduced By: Michael Booth, MD

Subject: Independent Payment Advisory Board (IPAB)

- 1) **WHEREAS**, Section 3403 of the Patient Protection and Affordable Care Act (ACA) established the Independent Payment Advisory Board (IPAB) consisting of 15 members appointed to six-year terms, and charged it with the reduction of spending in Medicare by reducing payments to medical professionals; and
- 2) **WHEREAS**, Twelve IPAB members will be appointed by the President, and practicing medical professionals, including physicians, are prevented from membership; and
- 3) **WHEREAS**, The decisions of IPAB cannot be challenged in the courts and are freed from the normal administrative rules process, such as requirements for public notice, public comment or public review; and
- 4) **WHEREAS**, IPAB recommendations carry the full force of the law, and will be very difficult for Congress to override unless 3/5 of the Senate and a majority of the House vote to do so; and
- 5) **WHEREAS**, The IPAB board is specifically forbidden from “any recommendations to ration health care,” but ACA fails to define the word “ration.” Instead, it allows IPAB to pay physicians reimbursement rates below costs, which in essence would constrict a physician’s ability to treat patients; and
- 6) **WHEREAS**, Medicare-eligible seniors and others already have difficulty finding medical professionals to treat them.

THEREFORE, BE IT RESOLVED BY THE 2013 HOUSE OF DELEGATES OF THE NORTH DAKOTA MEDICAL ASSOCIATION, that NDMA believes it is not in the best interest of the state, or Medicare-eligible residents of the state, for the Independent Payment Advisory Board to be implemented because its decisions will most certainly limit patient access to quality medical care; and

BE IT FURTHER RESOLVED that NDMA urge our Congressional Delegation to work with Congress to repeal provisions of Section 3403 of the Patient Protection and Affordable Care Act that establish the Independent Payment Advisory Board.

Adopted October 4, 2013
Debra Geier, MD
Acting Speaker of the House