

Capitolwire: Doctors, hospital groups gearing up for fight on MCARE.

HARRISBURG (Sept. 9) – Key groups representing Pennsylvania's doctors and hospitals met Friday to hash out a strategy to convince state lawmakers and Gov. Ed Rendell to extend a medical malpractice subsidy for physicians this fall.

Officials with the Pennsylvania Medical Society, the Pennsylvania Orthopaedic Society and the Hospital and Health System Association of Pennsylvania say they plan on presenting a united front, as they engage lawmakers in the coming weeks.

However, the clock is ticking, with the state Senate only planning to be in session for nine days in September and early October, before adjourning for the year.

Gov. Ed Rendell, along with House Democrats, have said they won't continue the medical malpractice MCARE Fund abatement program for doctors until Senate Republicans agree to cover more uninsured Pennsylvanians through a state-subsidized health care program. Their plan would also extend the MCARE subsidy for 10 years and ultimately phase out the MCARE Fund, replacing it with private market insurance.

The Senate GOP opposes the health care insurance plan for being too costly. The Senate, in turn, has refused to reauthorize the Pennsylvania Health Care Cost Containment Council without the continued MCARE subsidy for doctors. And it favors a shorter extension of the subsidy, with state funds used to retire its future-years deficit.

Some doctors are cautiously optimistic that a middle ground can be reached, before the year passes and the MCARE subsidy officially expires.

"I think the legislators are starting to understand the urgency of this and the fact that it has to be solved in the last nine days of the legislative session," said Dr. Peter Lund, an Erie urologist who is president of the Pennsylvania Medical Society.

What that compromise might look like, Lund couldn't say.

"It may be ABC [the House Democrats' Access to Basic Care plan] in some kind of amended form," Lund said. "It may be that the adultBasic program will be bolstered up a little bit and made a little stronger. I don't know what it will be exactly at this point."

He said more funding for free clinics, as Senate Republicans have proposed in their Health Net package of legislation, could also be in the mix.

Whatever the final product, Lund said, "it has to give real access to care and supply care to the uninsured."

Advocates for expanded health care coverage and insurance reforms are also planning to ratchet up the pressure.

Senate Majority Leader Dominic Pileggi, R-Delaware, said several meetings between Rendell's staff and legislative leaders occurred in August and will continue this month, leading up to the start of session next week.

"And we'll see if there is the possibility of some agreement," Pileggi said. "Right now there is no agreement."

Chuck Ardo, a spokesman for Rendell, responded by e-mail: "We continue to be hopeful that a resolution to the crisis can be found quickly once the Legislature returns. The ball is in its court."

Ardo wrote: "If doctors are concerned about paying for their own malpractice insurance they should contact their legislators and tell them to extend the MCARE abatement for ten years by addressing the crisis posed by the uninsured. We view it not as a political position but rather a moral imperative.

"This Administration has made great strides in reducing the cost of malpractice insurance and has taken steps to attract more competition which could further reduce those costs. That might help explain why there is no widespread exodus of doctors fleeing to other states."

Doctors dispute that, noting that a December 2007 Health Department report set the number of doctors providing direct patient care in Pennsylvania at 24,696, down from the 26,328 engaged in direct patient care in a February 2006 report.

Some lawmakers, however, have noted that the total number of licensed doctors in Pennsylvania has increased in recent years.

That debate aside, doctors are now focused on bridging the divide between the two sides on the larger health care expansion plan, to come up with a compromise that will end the impasse on the MCARE Fund subsidy.

"You'll see a tremendous effort of physician organizations trying to come together ... to get a bill that at least everybody can be satisfied with," said Dr. Jon Tucker, a knee and shoulder specialist in Pittsburgh who leads the Pennsylvania Orthopaedic Society.

That may be difficult, as some GOP lawmakers will note the below estimate revenue collection numbers in July and August to argue that the state cannot afford an expanded state-subsidized health care program.

Others, like Rep. Curt Schroder, R-Chester, say the MCARE subsidy has done little to address the underlying problem in soaring medical malpractice premiums – a need for legal system reform.

"Once MCARE came about, all the pressure went away to fix the system," Schroder wrote in an e-mail. "It was easier to just throw money at the system instead of dealing with the cost drivers of malpractice. It will be interesting to see if the demand for systemic reform grows louder the longer MCARE is not enacted. That would not be a bad result in my opinion."

A lobbyist for the state's trial lawyers countered that recent reforms implemented by new laws and the courts have actually sent premium costs down after several years of record increases.

Jim Redmond, senior vice president for legislative services at the Hospital and HealthSystem Association of Pennsylvania, said, despite those challenges, he was hopeful a deal would be reached on the MCARE subsidy.

He noted that many hospitals have hired doctors as staff – to recruit the doctors they can't attract from private practice – and have taken on the cost of those malpractice premiums.

"We'll be gearing up our efforts to press hard on lawmakers and the governor to reach some kind of compromise and extend MCARE abatement and maybe even retire the MCARE Fund," Redmond said. "Our position has been access to physicians affects everyone, not just the uninsured."

Another aspect of the health care debate is the legal status of the Pennsylvania Health Care Cost Containment Council, a state agency that tracks health care data.

A state law creating the agency expired at midnight on June 30. The Senate approved legislation reauthorizing the agency for five years, after amending the bill to include the continuation of the MCARE subsidy.

Rendell and House Democrats opposed that plan, and the office was initially shut down in early July. Rendell later revived it with an executive order, keeping the office open through Nov. 30, or until the Legislature approves a bill to continue its legal authorization.

Pileggi said the council won't likely get reauthorized in the fall unless doctors get their MCARE subsidy.

"I think it will be difficult to get the necessary votes to continue the Health Care Cost Containment Council, without the continuation of the MCARE abatement program," he said. "Hopefully, we won't have to make that choice, and we're working to try to advance both of them and not pick one or another."