

## Summer 2008

### UPDATE ON OUR BILL:

Cardiac and Pulmonary Rehabilitation Act of 2008 is still alive, but on life support at this time. Recent congressional action has not favored our efforts to get our bill passed as law.

Our bill was attached to the large Medicare package HR 6331. Part of this package included a bill that would delay the 10.6% decrease in physician Medicare payments. On June 27, 2008 the House passed this bill. On the Senate side, they had their own similar bill, S 3101. The Senate Democratic leadership decided to bring up HR 6331 for a vote (and not vote on S 3101). This action circumvented the need for a conference to address differences between the House and Senate versions. In order to bring the bill to a vote, a procedural vote from both Democrat and Republican senators was necessary to end debate and required 60 votes.

Here's how the voting went: All Democrats and 9 Republican Senators voted for cloture (limiting debate causing an immediate vote to be taken on the issue). BUT! This left the Democrats one vote shy of the 60 votes needed. Since parliamentary rules require that if a bill is to be reconsidered, the motion to reconsider must come from someone on the losing side. Senator Harry Reid, D, Nevada switched his vote so he could bring a motion to reconsider the bill at a later date.

Because the vote failed, there will no action until after the Congressional 4th of July recess. Once the Senate returns, it has various options it could pursue. So, we once again wait for our bill to be passed.

This last failure of our bill IS confusing and seems to surround political party issues. In the AACVPR's own words, "many members are understandably a bit confused about what is transpiring in Congress, trying to decipher what it means and what happens next." To make a long story short, the AACVPR stated in their last reimbursement update that they will keep their members apprised of legislative issues as they arise. I personally can't wait for the update.

The CPT code 93798 is used for both the technical piece (that's you, the RN, EP, etc) and the professional piece (the physician). Since this 10.6% reduction in Medicare physician fee schedule will affect the professional side, physicians supervising Cardiac Rehab will be take a hit on the reimbursement for Cardiac Rehab. At the time of the writing of this article, the bill may have gone through legislation one more time. If so, hopefully it is good news!

### UPDATE!

We received an updated email from the AACVPR on Friday, July 11th stating "Wednesday, July 9th was a monumental day for cardiac and pulmonary rehabilitation!" Both the House and the Senate voted in favor of HR 6331, the large Medicare bill that included our bill. The bill will be sent to the President who has indicated that he will veto this bill and send it back to Congress. However, both the House and the Senate Democratic leaderships are confident they could override such a veto. Per AACVPR,

“there are a number of scenarios that could unfold as this bill travels to the White House and potentially back to Congress, but we remain confident that our provisions will remain intact as they are not controversial and do have strong bipartisan support. We are 99% of the way home, and as always, AACVPR will continue to keep you up to date on the progress of this bill as it unfolds. We have strong reason to believe all will be resolved prior to the August recess in a couple of weeks.”

**UPDATE! UPDATE! Read all about it!**

**On July 15, 2008, Congress overrode President Bush’s veto! The Cardiac and Pulmonary Rehabilitation Act of 2008 is now law under the Social Security Act.**