

**RESOLUTION SUPPORTING THE REPEAL OF THE INDEPENDENT PAYMENT ADVISORY BOARD
(IPAB) (DRAFT, MAY 11, 2012)**

SUMMARY AND BACKGROUND

On March 22, 2012, the U.S. House of Representatives passed H.R. 5, the *Protecting Access to Healthcare (PATH) Act*, by a 223-181 vote. This bill repeals the Independent Payment Advisory Board (IPAB) established in the *Patient Protection and Affordable Care Act* (PPACA). The U.S. Senate has yet to take up the issue.

This resolution calls for the repeal of IPAB, and for the repeal of any funding for IPAB's establishment or operation.

MODEL RESOLUTION

WHEREAS, Section 3403 of the Patient Protection and Affordable Care Act (PPACA) 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

WHEREAS, Twelve IPAB members will be appointed by the President, and practicing medical professionals, including physicians, are prevented from membership, almost certainly guaranteeing that only academics will serve on IPAB; and

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

WHEREAS, IPAB recommendations carry the full force of the law, and will be very difficult for Congress to override unless 2/3 of the House and Senate vote to do so; and

WHEREAS, The IPAB board is specifically forbidden from "any recommendations to ration health care," but PPACA fails to define the word "ration." Instead, it allows IPAB to pay doctors reimbursement rates below costs, which in essence would constrict a physician's ability to treat patients; and

WHEREAS, Other provisions of PPACA already cut payments to medical professionals so deeply that by the end of this decade, Medicare payments will be lower than Medicaid payments, likely resulting in additional enrollment in Medicaid programs and pressure on state budgets; and

WHEREAS, Medicare-eligible seniors and others already have difficulty finding medical professionals to treat them without enactment of PPACA provisions.

NOW THEREFORE BE IT RESOLVED THAT, {Insert state legislature} 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, {Insert state legislature} urges Congress to repeal provisions of Section 3403 of the Patient Protection and Affordable Care Act that establish the Independent Payment Advisory Board, as well as any funding for the establishment or operation of IPAB.

BE IT FURTHER RESOLVED THAT, Copies of this resolution be sent to the President of the United States, the appropriate leadership of the United States Congress and the United States Department of Health and Human Services, and the entire {insert state} delegation in the United States Congress.