



RAM

RICHMOND ACADEMY OF MEDICINE

Patient's Advocate • Physician's Ally • Community's Partner

The Leg Up

Local, state and national news of interest to the physician community

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Email the Editor

What's Next for the ACA?

A federal judge in Texas struck down the Affordable Care Act late Friday, ruling that the landmark health law is unconstitutional just as open enrollment for next year's ACA marketplaces wrapped up, reports Stat News.



Earlier this year, 22 GOP state attorneys general filed a lawsuit taking aim at the ACA. They argue that without the penalty fee — which Congress axed late last year — the ACA's individual mandate is unconstitutional. And since the mandate is the "heart of the ACA," they argue the rest of the law "must also fall."

[The AMA called it](#) an "unfortunate step backward for our health system" and said it would work with patient and other health stakeholder groups in pursuing an appeal and reversal of the decision.

The next steps: The ruling likely won't have any effect right now on ACA enrollees. The lawsuit will likely be appealed to a federal appellate court, and from there **could make its way to the Supreme Court** (which already has upheld it twice). It's not clear yet what the ruling might mean for ACA enrollees in the long run — or how the court fight might play out.

[Kaiser Health News offers this podcast about the history and future of the ACA.](#) And [CNN has a look](#) at how the ACA has touched nearly every American.

Trump Administration Considers Medicaid Work Requirements



The Trump administration began considering **whether to approve work requirements for Virginia's Medicaid expansion program** earlier this month, with the Department of Health and Human Services opening the proposal for public comment.

Virginia expanded eligibility for Medicaid this year to more low-income adults but needs still approval from the Trump administration to impose work requirements.

We know many RAM members have strong opinions on this. [Comment here.](#)

Mark Your Calendar: RAM General Meeting is Jan. 15

Do you know what "**Co-Pay Accumulator**" or "Accumulator Adjustment" programs are and how they are affecting you and your patients? Do you know how PBMs (**Pharmacy Benefit Managers**) are affecting your prescribing habits? How financially successful have the PBMs become at your expense? Learn about these issues and what you can do about improving your lives and the lives of your patients at RAM's next dinner program.



Join us on **Tuesday, Jan. 15** at the **Westin Richmond** to hear from **Dr. Madelaine Feldman**, a practicing rheumatologist and the president of the Coalition of State Rheumatology Organizations. She will discuss how an entity that a few years ago we knew little about — those PBMs — now affects drug pricing, patient cost sharing and the doctor-patient relationship. A former radio talk show host, Dr. Feldman is passionate about advocacy and speaks to patients, physicians, regulators and legislators.

Cocktails at 5:30 p.m., dinner at 6:15 p.m. and the presentation at 7 p.m. Guest are welcome (\$40 guest fee). [Register here.](#)

Price-Fixing Probe of Generic-Drug Cartel Grows



Executives at more than a dozen generic-drug companies had a form of shorthand to describe how they conducted business, insider lingo worked out over steak dinners, cocktail receptions and rounds of golf, [reports The Washington Post](#).

The "sandbox," according to investigators, was the market for generic prescription drugs, and everyone was expected to play nice.

The terminology reflected more than just the clubbiness of a powerful industry, according to authorities and several lawsuits. Officials from multiple states say these practices were **central to illegal price-fixing schemes of massive proportion.**

What started as an antitrust lawsuit brought by states over just two drugs in 2016 has exploded into an investigation of alleged price-fixing involving at least 16 companies and 300 drugs. The unfolding case is rattling an industry that is portrayed in Washington as the white knight of American health care.

An assistant attorney general called it "most likely **the largest cartel in the history of the United States,**" citing the volume of drugs in the schemes, that they took place on American soil and the total number of companies involved, and individuals.

The victims were American health care consumers and taxpayers, who foot the bills for overcharges on common medications.

Also in generic-drug news, the Food and Drug Administration gave a **year-end gift to the generic drug industry** by backing off a proposal that would have opened up generic companies to possible product-liability lawsuits over drug safety, [reports The Wall Street Journal](#). The FDA had proposed a new federal rule in 2013 that would have allowed people to hold generic-drug companies legally liable for the side effects of medicines. Last week's action by the agency withdrew the proposed rule, and **keeps generic companies largely impervious to lawsuits.**

Some Avoid Public Assistance After Proposed Immigration Rule



As the Trump administration moves to create stricter standards for immigrants applying for residency, **more families in the Richmond area are asking to pull out of public assistance programs out of fear**, a trend that concerns immigration advocates and public health professionals, [says the RTD](#).

"Probably every week, somebody is calling and saying, 'I no longer want to participate in your program,'" said Danny Avula, director of the Richmond and Henrico County health departments, which oversee WIC — the federal program that provides nutritional assistance to mothers, infants and children. "It's around fears of deportation."

In October, the Department of Homeland Security revealed a new proposed immigration rule that would expand the agency's authority to limit immigrants' ability to adjust or extend their residency in the U.S. if they have received public assistance.

After Price Hike, Drug Company Offers Cheaper OD Treatment

A Senate investigation got some results, [reports The Hill](#).

Richmond-based drug company Kaléo is offering a **significantly cheaper version of its life-saving opioid overdose treatment** after a report from the Senate's Permanent Subcommittee on Investigations last month found that Kaléo hiked the price of its drug Evzio to \$4,100 for two injectors, raising the price by more than 600 percent between 2014 and 2017.

After this scrutiny, the company announced that it will offer a cheaper generic version of the drug at \$178 for two injectors. Evzio is an auto-injector form of the drug naloxone, which is a key part of fighting the opioid crisis.



Sen. Tom Carper (D-Del.) said that the episode should be a "teachable moment for other drug manufacturers."

U.S. Weighs Conflicts in Hospital-Accreditation Groups

The Trump administration is weighing **whether to continue approving hospital and health-accreditation groups that also have consulting arms**, following potential conflicts of interest raised in [an article in The Wall Street Journal](#). **Among the groups affected could be the Joint Commission**, the nation's largest hospital and health organization accrediting organization.

Critics say the commission's role — accrediting most of the nation's hospitals while also providing consultants for facilities hoping to be accredited — creates a conflict. The commission has said it kept a strict firewall between its consulting arm and the accrediting organization.

The disclosure came in an announcement Tuesday by CMS that it is seeking input on potential financial conflicts in the nation's hospital accrediting system. This marks the first time in the 53-year history of U.S. health accreditation system that its potential financial conflicts have come under regulatory scrutiny.

Incoming Congressman Contradicts CDC on Vaccines and Autism



An incoming Republican Congressman told constituents at a town hall last week that he **believes vaccines may cause autism**, contradicting the Centers for Disease Control and other scientific institutions, according to Tennessean.com.

Mark Green, a physician who won his race in November, vowed to **"stand on the CDC's desk and get the real data on vaccines,"** adding he was doing so "because there is some concern that the rise in autism is the result of the preservatives that are in our vaccines."

"As a physician, I can make that argument and I can look at it academically and make the argument against the CDC, if they really want to engage me on it," he said. Green also suggested that some of the data has been "fraudulently managed," but cited no evidence.

The CDC has repeatedly stated there is no link between vaccines and autism. "Many studies that have looked at whether there is a relationship between vaccines and autism spectrum disorder," the CDC [writes](#) on its website. "To date, the studies continue to show that vaccines are not associated with ASD."

Study: 4 Percent of Cancers Caused by Body Weight



Excess body weight was responsible for 3.9 percent of cancer globally, or 544,300 cases, in 2012, [according to a new report](#).

The report, published last week in the journal CA: A Cancer Journal for Clinicians, also highlights a relationship between obesity and the risk of 13 cancers, including postmenopausal breast cancer and liver cancer, and a probable relationship with three others, including prostate cancer.

General Assembly Members Need to Hear From You

Come speak with legislators and let them know how legislation they're considering will affect the practice of medicine. Join your colleagues and make your voice heard at one of **RAM's White Coat Days**:

- **Wednesday, Jan. 23**
- **Wednesday, Jan. 30**
- **Wednesday, Feb. 6**



We'll start with breakfast and a legislative briefing before meeting with lawmakers to share our input and perspective with them.

Please commit to joining your fellow RAM members from 8 - 11:30 a.m. on one of these days. RAM staff will arrange meetings for small groups of physicians with elected officials and will provide you with background information so you can discuss issues with confidence.

[CLICK HERE](#) to sign up or call Lara at **804-622-8137** or email her at lknowles@ramdocs.org

This Physician Says Doctors Should 'Stay in Their Lane'

A few weeks ago, Leg.Up reported on a **Twitter war between physicians and the NRA**, after the NRA published a tweet that said that [doctors should "stay in their lane"](#) on the subject of gun control.

Many, many physicians were outraged and responded with stories of what they've seen

and how they've treated patients in tragic situations.

One physician dared to respond differently in [this KevinMD article](#). He says yes, physicians should stay in their lanes, writing, "the key problem is that doctors have been disguising partisan political proposals as medical recommendations.

"When you push for a medical recommendation to become law, you are essentially trying to make the entire nation your involuntary patient. When doctors put on their white coats in political discourse and recommend authoritarian policies, they're acting outside the scope of their expertise — and trying to force their opinions on millions of unwilling subjects."

Does Scrubbing Stethoscopes Get Them Clean?



A new [study](#) adds to the stack of evidence that **stethoscopes can be home to all kinds of bacteria**.

Researchers studied the bugs on 20 reusable stethoscopes, 10 used, disposable stethoscopes, and 10 unused, disposable stethoscopes in one hospital's ICU. There was a thriving bacterial community on every stethoscope, including some bacteria that had the potential to cause infections in people.

The researchers also swabbed other stethoscopes before and after they were cleaned using different methods, including providers scrubbing them down whatever way they normally do. When that was the case, only two of the 20 got as clean as new stethoscopes.

NIH Will Scrutinize Private Donations to Scientific Research

After halting a discredited alcohol study, **officials will enforce new policies to ensure that private support does not compromise scientific integrity**, [says The New York Times](#). Six months after pulling the plug on a study of moderate drinking that was underwritten by donations from the alcohol industry, the National Institutes of Health outlined a series of steps to prevent similar conflicts of interest and to safeguard the integrity of its research and its reputation.



In other NIH news, the turmoil continues after Director Francis Collins **angered anti-abortion groups last week when he said fetal tissue would "continue to be the mainstay" for research**.

Two prominent anti-abortion groups, March for Life and Live Action, separately called on Collins to step down.

Physician Named CNN's Hero of the Year



For Dr. Ricardo Pun-Chong, **being a physician isn't just about treating patients – it's about how you care for their families**.

As a doctor undergoing his medical training in Lima, Peru, Pun-Chong treated many children who traveled with their parents from rural parts of the country. And for most, it's a dangerous journey – over mountains, across rivers and

along unsafe roads, all for medical treatment.

Once in Lima, far from home and often unable to afford lengthy hotel stays, Pun-Chong saw many families forced to curl up on the hospital floors. Pun-Chong was named the 2018 [CNN Hero of the Year](#) for his efforts to provide free housing, meals and support for sick children and their families while they undergo treatment.

National Data Bank Updates Guidelines

Our friend Elizabeth Snelson, who was speaker at RAM's General Meeting in November, shared some recent changes in the **National Practitioner Data Bank** she thought might be of interest to members.

[Click here](#) for a summary.

Boy Fights Town Hall Over Snowball Ban



From making snow angels to picking snowball fights with your friends, playing in the snow can be a lot of fun. But one Colorado town didn't think so, [reports CNN](#).

In Severance, a town about 60 miles north of Denver, it's long been **illegal to throw snowballs**.

Dane Best, 9, thought the law was "silly." The young town resident might have even broken it once in a while.

So with the help of his classmates, Best decided to take it upon himself to change the law. He collected letters and signatures in support of snowball fights, did some research and presented his case at a Severance Town Council meeting earlier this month.

"It is an outdated law," Best told council members. "And I want to throw a snowball without getting in trouble."

Now he can, after the council unanimously approved a measure to legalize throwing snowballs within town limits. It's a scene straight out of a Hallmark Channel movie.

Happy Holidays from RAM

Thank you for reading The Leg.Up and for your feedback (and story tips) this year. It's great to have such engaged readers.

We're wrapping up 2018; see you back here on Jan. 2, 2019.

As always, please feel free to contact me with your ideas, suggestions and concerns (or complaints). You can reach me by [email](#) or at (804) 622-8136.

Thank you for being part of the Academy and its continuing conversation about the best practice of medicine.

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