

# Cost of Care: (Strategic Discussion)

## Strategic Assumptions

*Assumptions are those factors that are considered true, real, or certain for the purpose of creating a shared understanding of a plan. What makes assumptions strategic? It is that if they are invalid, there would be good reason to cancel the initiative or redirect it in a major way in order to achieve the pre-determined definition of success.*

- **It's the rising cost of care:** Voters and policymakers increasingly identify the rising costs of health care and health insurance as a critical problem. Rising costs continue to squeeze personal pay raises, businesses spending on growth and public-sector funding on key Colorado issues like roads/transportation, education and jobs.
- **Business is fed up:** Businesses are extremely frustrated with health care. The Denver Metro Chamber of Commerce (DMCC) and other chambers/business coalitions will help drive efforts to contain costs via legislation, regulation and voluntary efforts marking the first time in decades that many chambers have meaningfully engaged on health care issues. These efforts will occur whether or not there is consensus on solutions by other stakeholders.
- **Surprise bills drive distrust:** The inability to resolve OON (surprise bills) will create an even wider gap between medicine and consumer organizations and will not continue to be tolerated by business or the legislature.
- **Data shows variation:** CIVHC's [Total Cost of care Multi-State Analysis](#) and other analyses expose price variation and provides evidence for those proposing change. Drives to increase transparency of health care charges, prices, costs, and profits, including a potential constitutional amendment in 2018, will only accelerate.
- **You still haven't answered my question:** Drives to increase health care cost transparency and the public publication of meaningful data will not go away.
- **Docs agree it's not working:** Overwhelming majorities of CMS members consistently agree that the current system is not working and that reform is needed.
- **Public support for reform has grown:** Colorado patients are more frustrated now with the increased cost of care (premiums, out-of-pocket expense and out of network bills) and the more complex health care delivery system.
- **Cuts are coming:** Major cuts to health care entitlement programs are nearly inevitable given recent increases to the federal deficit and the size and projected growth of Medicare and Medicaid spending over the next 10 years. Provider payments are vulnerable in this environment.
- **Post 2018 election future:** The outcome of the 2018 elections will be crucial as new bills, regulations and voluntary efforts to reduce health care costs in Colorado will be pursued.

# Medical Practices Act-Professional Review Sunset- Liability Climate (Strategic Discussion)

## Strategic Assumptions

- **2019 – a trial lawyer year:** The trial lawyers will be successful enough in the 2018 election cycle to make legislative achievements in 2019;
- **Lobby pressure:** CTLA will see 2019 as a once-in-a-decade opportunity to change Colorado law
- **It's complicated:** Medicine faces a multi-front, issue substantive, interrelated, complex set of issues in 2019
- **Sunset report prospects positive:** The DORA MPA-Professional Review reports will largely be favorable to the medical profession
- **Hostage situation expected:** Either or both MPA and Professional Review Sunset will be held hostage in committee with an expectation of a “give” from the medical profession to the plaintiff attorneys; or with a request (demand) that something be worked out
- **Rabbit trails:** Hostile amendments will be run to either force medicine to expend political capital and to achieve a policy objective
- **Consumers:** Consumers will enter into this mix at some point
- **Patient harm stories:** Patients injured through medical errors or medical malpractice will be supportive of changes sought by CTLA; their stories will be powerful; these patients will roam the halls of the capitol and testify at hearing
- **Professional review success:** Physicians and hospitals need lots of Professional Review success stories to counter individual stories from patients who were harmed
- **Traditional media-social media:** The media will cover the reenactment of these bills; social media will be used in support of CTLA-backed amendments
- **Lame duck report:** The DORA report can be criticized without fear of retaliation
- **“Not my project”:** The next Administration will not “own” the DORA sunset reports
- **Non-economic damage caps-plus:** Assume CTLA initiatives to expand the value of a lawsuit beyond an increase in the non-economic damage cap
- **The other side of stability:** Liability carrier profits, reserves and stable rates over the past decade will be an issue
- **Let's be fair:** Plaintiff lawyers will use a “fairness” argument, among others, to justify an increase in the noneconomic damage cap (last increase 2004)
- **Other plaintiff targets:** Governmental immunity caps and enterprise liability will be on the table

# Reversing the Opioid Crisis

## Strategic Assumptions

- **Another interim study:** There will be a 2018 legislative interim study on opioid abuse and misuse guaranteeing 2019 legislation
- **More media coverage:** The media will continue to cover the opioid crisis
- **Not out of the woods:** Physicians are a data set or one unanticipated event away from being the focal point of legislative and-or media attention
- **Prevention and access:** CMS will strive to focus the interim legislative study on the prevention and access to care
- **Legislators still focused:** Key legislators in both chambers consider the opioid crisis their top priority; some don't think medicine is doing enough to combat the crisis
- **Stay engaged:** CMS will have a designated physician expert to the new interim study; will need to remain highly engaged and proactive
- **Colorado Consortium for Prescription Drug Abuse Prevention:** The Consortium may or may not remain the lead agency once a new governor is elected