



GOVERNMENT OF PUERTO RICO
HOUSE OF REPRESENTATIVES
THE CAPITOL

CONCURRENT RESOLUTION 57

To express the full support of the Legislative Assembly of Puerto Rico to the steps taken and the efforts made by the Governor of Puerto Rico, the Honorable Ricardo Rosselló-Nevares, and the Resident Commissioner of Puerto Rico, the Honorable Jenniffer González-Colón, as well as the representatives of the healthcare industry in Puerto Rico, to promote equal treatment for the patients of the Medicare Advantage program in Puerto Rico, before the United States Congress and the Federal Government; and to urge the Federal Government and the Administrator of the Centers for Medicare and Medicaid Services (CMS) to take actions as are necessary to provide the U.S. citizens residing in Puerto Rico with equal treatment, thus contributing to strengthen the healthcare system after Hurricane Maria.

STATEMENT OF MOTIVES

Recently, the United States Congress passed a bill that establishes a five-year extension of funding for the Children's Health Insurance Program (CHIP). Said bill allocates approximately \$1 billion in additional Medicaid funds for Puerto Rico. This allocation shall contribute to prevent a greater catastrophe in the first quarter of 2018, in view of the potential reality of the Medicaid funding cliff, and shall buy the Island some time to search for and find a long-term solution to this issue. The healthcare system crisis and the accelerated exodus of our healthcare professionals, however, are part of our current reality, the funding cliff notwithstanding. Pressures and the system's lack of resources worsened as a result of the more than 20% cuts in Medicare Advantage funding, which began in 2012 and have had a direct effect on more than 580,000 beneficiaries. These cuts led to our system's current crisis, whose underlying cause is that we only invest \$3,500 per capita annually in healthcare, while we operate within a federal system that invests an average of \$10,000 per capita annually in healthcare services.

However, it is worth mentioning that the Centers for Medicare and Medicaid Services, known as the CMS, have discretion to take action to further assist Medicare Advantage patients in Puerto Rico. Puerto Rico has the largest Medicare Advantage market share across the Nation. Over 90% of eligible patients are enrolled in the program. Program participation is such that, despite being ranked 30 in the Nation in terms of total population, Puerto Rico is ranked eighth among the United States jurisdictions with the highest enrollment. Furthermore, the program's popularity and achievements are even more impressive when we consider that the Medicare Advantage program in Puerto Rico has the least resources, for it receives 43% less than the average among the U.S. jurisdictions. Funding issues have resulted in the emigration of many healthcare providers and have prevented the development of basic infrastructure to render such services. This situation has significant implications not only for Puerto Rico's healthcare system, but also for those who are not enrolled in the Medicare Advantage program.

The actions that the CMS may take include making an adjustment to the Medicare Advantage prospective payment system for end-stage renal disease (ESRD) patients to the average payment in the Nation or, at least, in the U.S. Virgin Islands, among others. Furthermore, in order to address the needs of Puerto Rican patients while they recover from Hurricane Maria's emergency, the CMS may and should include in the 2019 Advance Notice for MA & PD a rate adjustment for Puerto Rico to conform it to the U.S. average or at least to that of nearby territories. This is a great opportunity to bring additional resources to our system, thus benefiting our elderly, the needy, as well as the pool of healthcare providers.

In search for options to strengthen the healthcare services available and measures to contribute to the Island's recovery in the wake of Hurricane Maria, this Legislative Assembly expresses its full support to the steps taken and the efforts made to promote equal treatment for the patients of the Medicare Advantage program in Puerto Rico before the United States Congress and the Federal Government.

BE IT RESOLVED BY THE LEGISLATIVE ASSEMBLY OF PUERTO RICO:

Section 1.-The Legislative Assembly of Puerto Rico hereby expresses its full support to the steps taken and the efforts made by the Governor of Puerto Rico, the Honorable Ricardo Rosselló-Nevarés, and the Resident Commissioner of Puerto Rico, the Honorable Jenniffer González-Colón, as well as of the representatives of the healthcare industry in Puerto Rico, to promote equal treatment for the patients of the Medicare Advantage program in Puerto Rico, before the United States Congress and the Federal Government.

Section 2.-The Legislative Assembly of Puerto Rico hereby requests and urges the Federal Government and the Administrator of the Centers for Medicare and Medicaid Services (CMS), the Honorable Seema Verma, to take actions as are necessary to provide the U.S. citizens residing in Puerto Rico with equal treatment, thus contributing to strengthen the healthcare system after Hurricane Maria.

Section 3.-Upon its approval, a copy of this Concurrent Resolution shall be translated into English and disseminated, to the greatest extent possible, in the media outlets of both Puerto Rico and the United States of America, as well as internationally. Likewise, a copy of this Concurrent Resolution shall be delivered to the Administrator of the Centers for Medicare and Medicaid Services (CMS), the Honorable Seema Verma.

Section 4.-This Concurrent Resolution shall take effect upon its approval.