Whereas, Medicare and Medicaid beneficiaries and providers must appeal their coverage and payment disputes to the Health and Human Services Administrative Law Judges (ALJs); and

Whereas, from 1946 until 2018, attorney candidates who wanted to become federal ALJs were required:

a. to pass an examination on administrative law given by the U.S. Department of Personnel Management, and only the top three scoring candidates were offered positions as federal ALJs; and

b. to have at least seven years of experience in an area of law relevant to administrative proceedings; and

c. to prove they had the ability to write clear and understandable decisions following an administrative proceeding; and

Whereas, following the Supreme Court decision in Lucia v. SEC\(^1\), Executive Order (E.O.) 13,843 was signed\(^2\); and

Whereas, E.O. 13,843 removed federal ALJs from the competitive civil service; and

Whereas, the only current requirements for a new federal ALJ are a license to practice law somewhere in the United States and an appointment made by a temporary, politically appointed agency head; and

Whereas, E.O. 13,843 politicized the federal ALJ service, potentially resulting in the appointment of questionably competent ALJs\(^3\); and

Whereas, Medicare and Medicaid coverage and payment disputes are more likely to be correctly decided by informed, competent, and truly neutral ALJs; and

Whereas, the bipartisan “Administrative Law Judges Competitive Service Restoration Act,” H.R.7225, was introduced on February 4, 2024, by Congressman Gerry Connolly (D-VA-11) and is co-sponsored by Congressman Brian Fitzpatrick (R-PA-1) and Congressman Michael Lawler (R-NY-17) and is endorsed by the American College of Legal Medicine (ACLM), the Association of Administrative Law Judges (AALJ), and the
International Federation of Professional and Technical Engineers (IFPTE); therefore be it

RESOLVED, that our American Medical Association support H.R. 7225, the bipartisan “Administrative Law Judges Competitive Service Restoration Act” that supports the merit-based process for the selection of all Medicare/Medicaid Administrative Law Judges. (New HOD Policy)

Fiscal Note: Minimal - less than $1,000

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REFERENCES
1. 138 S. Ct. 2044 (2018)