

AMERICAN MEDICAL ASSOCIATION HOUSE OF DELEGATES

Resolution: 216
(A-24)

Introduced by: American College of Legal Medicine

Subject: The AMA Supports H.R. 7225, the Bipartisan “Administrative Law Judges Competitive Service Restoration Act”

Referred to: Reference Committee B

1 Whereas, Medicare and Medicaid beneficiaries and providers must appeal their
2 coverage and payment disputes to the Health and Human Services Administrative Law
3 Judges (ALJs); and
4

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

- 7 a. to pass an examination on administrative law given by the U.S. Department of
8 Personnel Management, and only the top three scoring candidates were
9 offered positions as federal ALJs; and
- 10 b. to have at least seven years of experience in an area of law relevant to
11 administrative proceedings; and
- 12 c. to prove they had the ability to write clear and understandable decisions
13 following an administrative proceeding; and
14

15 Whereas, following the Supreme Court decision in Lucia v. SEC¹, Executive Order
16 (E.O.) 13,843 was signed²; and
17

18 Whereas, E.O. 13,843 removed federal ALJs from the competitive civil service; and
19

20 Whereas, the only current requirements for a new federal ALJ are a license to practice
21 law somewhere in the United States and an appointment made by a temporary,
22 politically appointed agency head; and
23

24 Whereas, E.O. 13,843 politicized the federal ALJ service, potentially resulting in the
25 appointment of questionably competent ALJs³; and
26

27 Whereas, Medicare and Medicaid coverage and payment disputes are more likely to be
28 correctly decided by informed, competent, and truly neutral ALJs; and
29

30 Whereas, the bipartisan “Administrative Law Judges Competitive Service Restoration
31 Act,” H.R.7225, was introduced on February 4, 2024, by Congressman Gerry Connolly
32 (D-VA-11) and is co-sponsored by Congressman Brian Fitzpatrick (R-PA-1) and
33 Congressman Michael Lawler (R-NY-17) and is endorsed by the American College of
34 Legal Medicine (ACLM), the Association of Administrative Law Judges (AALJ), and the

1 International Federation of Professional and Technical Engineers (IFPTE); therefore be
2 it
3
4 RESOLVED, that our American Medical Association support H.R. 7225, the bipartisan
5 “Administrative Law Judges Competitive Service Restoration Act” that supports the
6 merit-based process for the selection of all Medicare/Medicaid Administrative Law
7 Judges. (New HOD Policy)

Fiscal Note: Minimal - less than \$1,000

Received: 4/21/2024

REFERENCES

1. 138 S. Ct. 2044 (2018)
2. <https://www.federalregister.gov/documents/2018/07/13/2018-15202/excepting-administrative-law-judges-from-the-competitive-service>.
3. <https://www.govexec.com/oversight/2018/07/judges-union-supreme-court-decision-excuse-politicize-aljs/149773/>

DRAFT