

Congress of the United States
Washington, DC 20515

September 7, 2018

The Honorable Seema Verma
Administrator
Centers for Medicare & Medicaid Services
U.S. Department of Health and Human Services
7500 Security Boulevard
Baltimore, MD 21244

Dear Administrator Verma:

We write to express our concerns regarding a proposed plan by the Centers for Medicare & Medicaid Services (CMS) in the Medicare 2019 Physician Fee Schedule proposed rule to consolidate evaluation and management services. We commend the agency's goal and efforts to reduce paperwork and unnecessary administrative tasks, as well as associated provider burdens, including proposals to reduce the required patient history documentation, eliminate requirements for physicians to re-document certain information, and eliminate the need to justify a home visit.

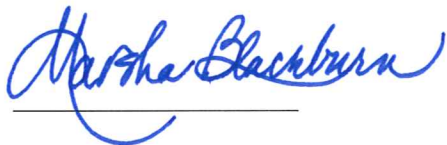
Specifically, we are concerned that the proposal to consolidate these services devalues the expertise, clinical decision-making, and time of physicians who treat patients with complex conditions such as cancer, rheumatoid arthritis, diabetes, multiple sclerosis, Crohn's disease, macular degeneration, ALS, hypertension, infection diseases, primary immunodeficiency diseases and many others. We are also concerned that the negative impact is likely to be large for faculty physicians at the nation's major teaching hospitals who treat a disproportionate share of these complex patients. While consolidating these codes could reduce paperwork for some physicians, the creation of the add-on codes would also create a new and significant paperwork requirement for physicians such as oncologists, rheumatologists, ophthalmologists, neurologists, endocrinologists and other specialists, who treat more complex patients, which will undermine the underlying, positive intent of the proposed rule to reduce administrative burden on clinicians.

While the consolidation of payment rates for evaluation and management levels 2 through 5 is of significant concern to us, we are also troubled that the proposed rule singles out podiatric physicians, proposing that podiatrists use a separate set of evaluation and management codes, for reduced reimbursement. Podiatric physicians are classified as physicians under Medicare and they provide the same evaluation and management services that their allopathic and osteopathic colleagues do. Under the Social Security Act Section 1848(c)(6), differential valuation (and thereby payment) of services paid under the Physician Fee Schedule based on physician specialty is expressly prohibited.

Additionally, it is our understanding that this proposal was created with little consultation with affected stakeholders, and we have heard significant concerns from constituent physicians of all specialties who are concerned with the potential effects this proposal may have on their patients and practices. They have also expressed concern that the proposed implementation date of January 1, 2019 does not provide them the necessary time to adjust their administrative practices to comply.

We appreciate and commend the good intentions behind this proposal, to reduce paperwork and administrative burden, **we urge the agency to take additional time to work closely with physicians and other stakeholders to identify alternative approaches** that would accomplish CMS' goals while ensuring that physicians are reimbursed appropriately according to the level of care required by each individual patient's condition.

Sincerely,



Marsha Blackburn
Member of Congress



Earl Blumenauer
Member of Congress



Doris Matsui
Member of Congress



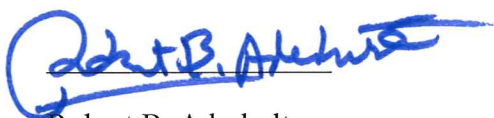
Brad R. Wenstrup, DPM
Member of Congress



Andy Barr
Member of Congress



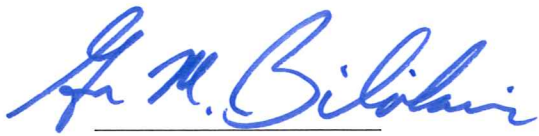
Ami Bera, M.D.
Member of Congress



Robert B. Aderholt
Member of Congress



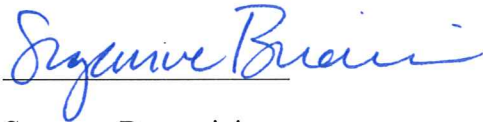
Brendan F. Boyle
Member of Congress



Gus M. Bilirakis
Member of Congress



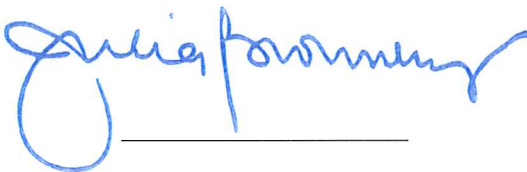
Mike Bishop
Member of Congress



Suzanne Bonamici
Member of Congress



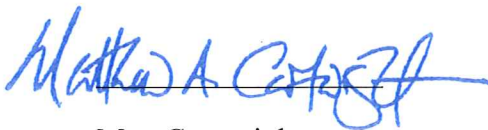
Robert A. Brady
Member of Congress



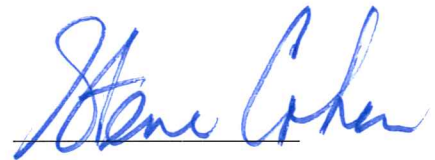
Julia Brownley
Member of Congress



Salud O. Carbajal
Member of Congress



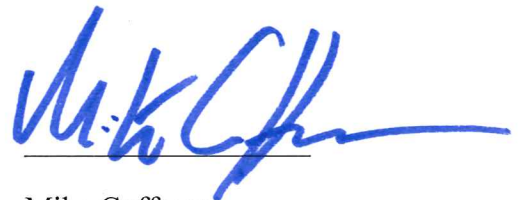
Matt Cartwright
Member of Congress



Steve Cohen
Member of Congress



Tom Cole
Member of Congress



Mike Coffman
Member of Congress



Diana DeGette
Member of Congress



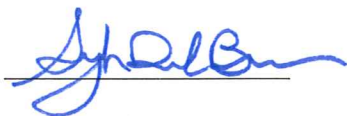
Rodney Davis
Member of Congress



Peter A. DeFazio
Member of Congress



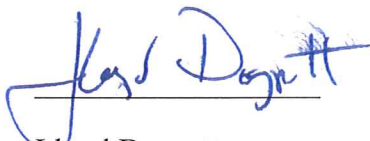
Rosa L. DeLauro
Member of Congress



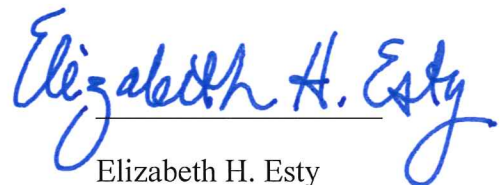
Suzan DelBene
Member of Congress



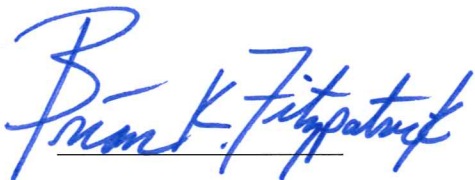
Ted Deutch
Member of Congress



Lloyd Doggett
Member of Congress



Elizabeth H. Esty
Member of Congress



Brian Fitzpatrick
Member of Congress



Tulsi Gabbard
Member of Congress



Gene Green
Member of Congress



Brett Guthrie
Member of Congress



Bob Goodlatte
Member of Congress



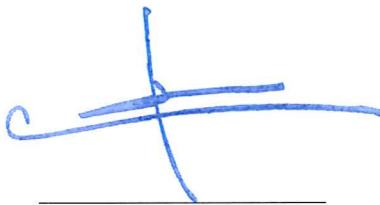
H. Morgan Griffith
Member of Congress



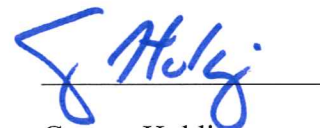
Brian Higgins
Member of Congress



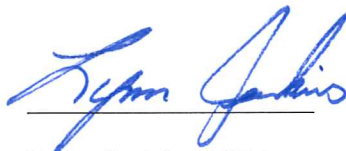
Jaime Herrera Beutler
Member of Congress



Colleen Hanabusa
Member of Congress



George Holding
Member of Congress



Lynn Jenkins, CPA
Member of Congress



John Katko
Member of Congress



Joseph P. Kennedy, III
Member of Congress



Derek Kilmer
Member of Congress



Ron Kind
Member of Congress



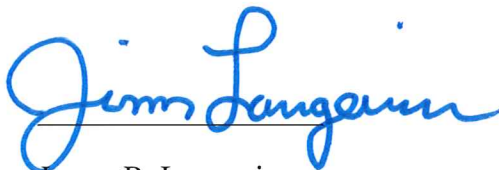
Peter T. King
Member of Congress



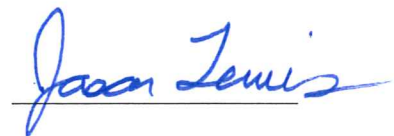
Doug Lamborn
Member of Congress



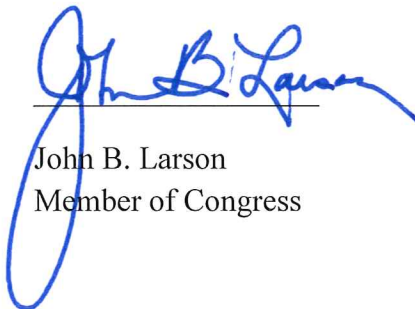
Leonard Lance
Member of Congress



James R. Langevin
Member of Congress



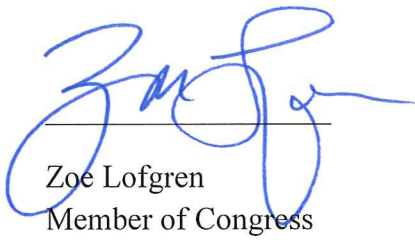
Jason Lewis
Member of Congress



John B. Larson
Member of Congress



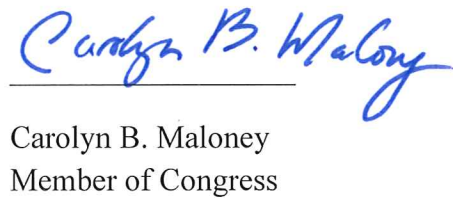
Mia B. Love
Member of Congress



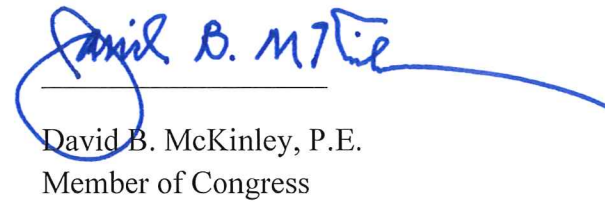
Zoe Lofgren
Member of Congress



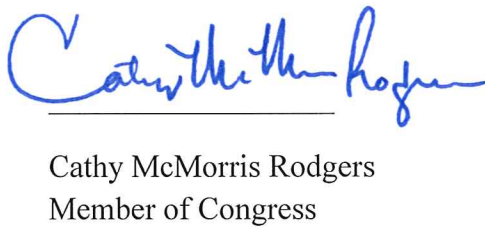
Billy Long
Member of Congress



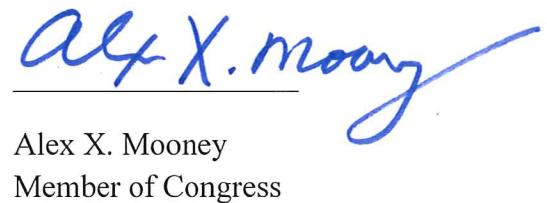
Carolyn B. Maloney
Member of Congress



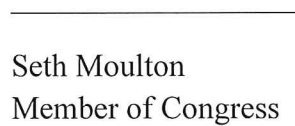
David B. McKinley, P.E.
Member of Congress



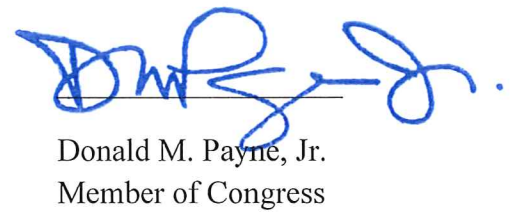
Cathy McMorris Rodgers
Member of Congress



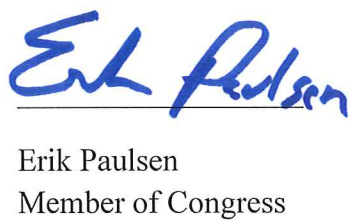
Alex X. Mooney
Member of Congress



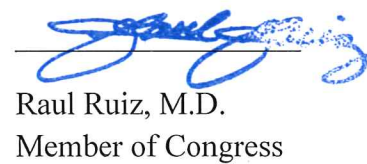
Seth Moulton
Member of Congress



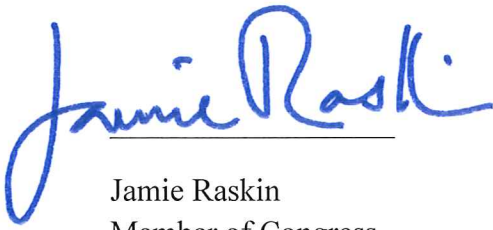
Donald M. Payne, Jr.
Member of Congress



Erik Paulsen
Member of Congress



Raul Ruiz, M.D.
Member of Congress



Jamie Raskin
Member of Congress



Kathleen M. Rice
Member of Congress



C.A. Dutch Ruppersberger
Member of Congress



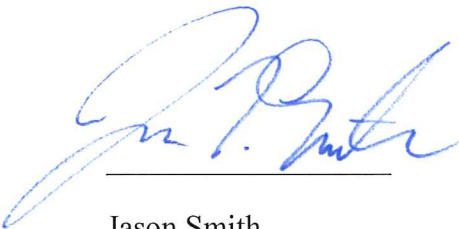
Pete Sessions
Member of Congress



Terri A. Sewell
Member of Congress



Adrian Smith
Member of Congress



Jason Smith
Member of Congress



Steve Stivers
Member of Congress



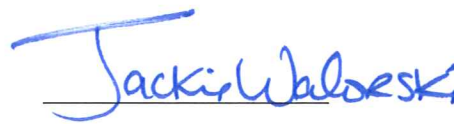
Mike Thompson
Member of Congress



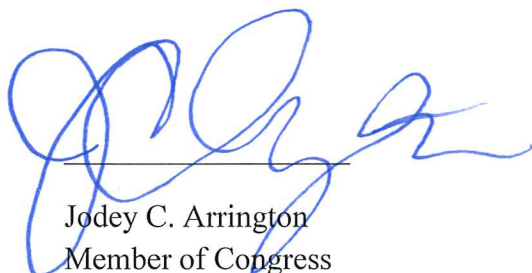
Scott Tipton
Member of Congress



Paul D. Tonko
Member of Congress



Jackie Walorski
Member of Congress



Jodey C. Arrington
Member of Congress



Danny K. Davis
Member of Congress



Rep. Blaine Luetkemeyer
Member of Congress



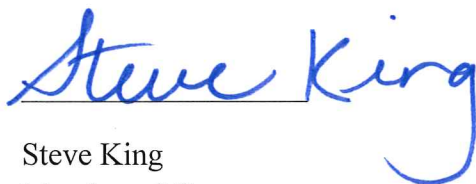
Bill Pascrell, Jr.
Member of Congress



John Yarmuth
Member of Congress



Betty McCollum
Member of Congress



Steve King
Member of Congress



Dave Loebsack
Member of Congress



Alan Lowenthal
Member of Congress



Mark DeSaulnier
Member of Congress



Kurt Schrader
Member of Congress



John Garamendi
Member of Congress



Peter Welch
Member of Congress



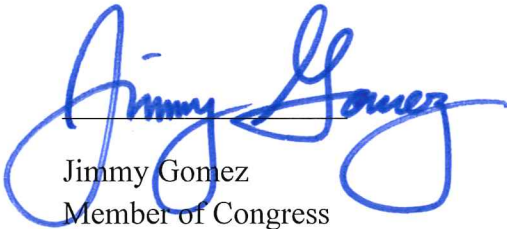
Adriano Espaillat
Member of Congress



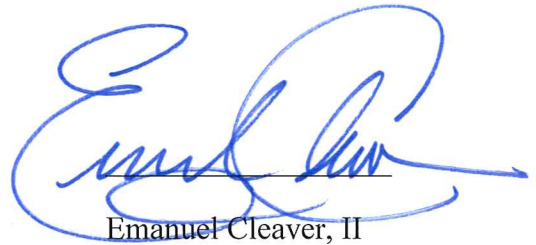
David Scott
Member of Congress



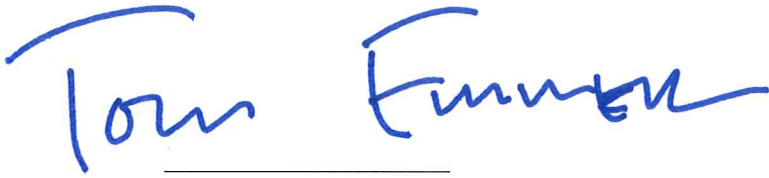
Clay Higgins
Member of Congress



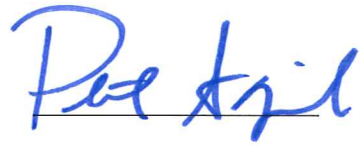
Jimmy Gomez
Member of Congress



Emanuel Cleaver, II
Member of Congress

A handwritten signature in blue ink that reads "Tom Emmer". The signature is fluid and cursive, with the first name "Tom" and the last name "Emmer" clearly distinguishable.

Tom Emmer
Member of Congress

A handwritten signature in blue ink that reads "Pete Aguilar". The signature is cursive, with "Pete" and "Aguilar" written in a connected but legible style.

Pete Aguilar
Member of Congress