

ASTRO & Bipartisan Lawmakers Ask CMS To Adopt Physician Payment Transparency This Year

ASTRO is urging the Centers for Medicare and Medicaid Services (CMS) to move forward this year with its proposed transparency policy for setting physician payment rates, which is one year earlier than CMS proposed and two years before the American Medical Association would like. ASTRO is backed by two large bipartisan, bicameral groups of lawmakers. CMS proposed that the transparency policy take effect in the 2016 physician payment cycle, and the Agency is expected to publish the final version of the 2015 Medicare Physician Fee Schedule rule, which includes that policy this week.

At issue is how quickly CMS will set up a process that lets providers comment on proposed payment changes before they take effect. For decades, CMS agreed to about 90 percent of the pay changes recommended by the Relative Value Scale Update Committee (RUC), which the American Medical Association staffs. During that time, providers didn't complain when CMS published pay rates each year in an interim final rule that didn't give providers a chance to comment on the rates. However, following years of criticism for relying too heavily on the RUC, since 2012 CMS' approval rate of RUC's recommendations has dropped to around 65 percent, and providers now want the Agency to publish pay rates in an annual proposed pay rule to give them the opportunity to request changes.

At the urging of providers, large bipartisan groups of lawmakers asked CMS to use a transparent rate-setting process, and CMS officials this year said they will start including new and revised physician pay rates in annual proposed rules, starting with the 2016 Medicare Physician Fee Schedule rule, to give providers an opportunity to weigh in on payment rates before they are included in the final rule.

While the proposed rule for 2015 physician payment says the new process will start with the 2016 cycle, ASTRO wants CMS to bump up the start date to the 2015 cycle. "ASTRO strongly urges CMS to immediately release calendar year 2015 interim

values for the new and revised radiation treatment delivery codes," the ASTRO letter states. Conversely, the American Medical Association and 71 other medical societies want CMS to delay implementation of the transparency initiative until the 2017 cycle.

Representative Bill Cassidy (R-LA) in August wrote a letter, signed by 30 Republicans and three Democrats, asking CMS to adopt its planned transparency policy now instead of waiting until the 2016 Medicare Physician Fee Schedule.

More recently, Representatives Paul Tonko (D-NY) and Devin Nunes (R-CA) spearheaded a bipartisan letter with 128 cosigners that also urges CMS to give radiation oncologists a chance to comment on physician payment changes in the 2015 payment cycle. "Your plans for improved transparency and stakeholder comment opportunity for new codes beginning in 2016 represents significant progress," the Tonko-Nunes letter states. "However, this opportunity is not being provided for the new radiation oncology code set proposed for 2015." The Tonko-Nunes letter mentions the transparency policy near the end of a letter that focuses on a separate radiation oncology pay policy: CMS' proposal to switch radiation treatment vaults from direct practice expense to indirect expenses. That single technical change would lead to a 6 percent pay cut to freestanding radiation oncology centers and is responsible for nearly the entire reduction in pay to radiation oncologists in 2015, lawmakers state.

Senators Debbie Stabenow (D-MI) and Richard Burr (R-NC) sent CMS a similar letter signed by a bipartisan group of 36 additional senators. The Senate letter is less direct on the transparency issues. It states that CMS should "ensure that the public has sufficient time to review and comment on the new codes and any changes to payment rates for radiation oncology services."