

HOUSE LEADERS WORRY CMS USING CMMI TO REWRITE MEDICARE LAW

House Ways & Means leaders from both parties worry CMS is unilaterally using demonstrations to revamp Medicare law, and call on the agency to be open about how they create demonstrations that test new approaches to paying for goods and services.

"We look forward to working with you to ensure that CMS adheres to Congressional intent relating to CMMI; that it tests and promotes [innovative] delivery system models, but does not bypass Congress and the public to rewrite Medicare law for beneficiaries," Chair Richard Neal (D-MA) and ranking Republican Kevin Brady (TX) say in a January 9 letter to CMS Administrator Seema Verma.

Center for Medicare and Medicaid Innovation head Adam Boehler and HHS Secretary Alex Azar have indicated a number of demonstrations are in the works, including possible models on direct provider contracting, a mandatory demonstration on radiation oncology and mandatory bundled-pay models the agency had previously canceled, and social determinants of health.

Neal and Brady ask CMS to provide rulemaking or a public comment period before model parameters are finalized for demonstrations under consideration.

The bipartisan duo asks CMS to list the models it is actively considering and the estimated timeline for each. Plus, they request the agency hand over the Innovation Center Investment Proposals for models under consideration and the estimated costs from the Office of the Actuary.

They also ask Verma to describe any other activities planned to promote transparency, and to engage Congress, lawmakers, beneficiaries and others before each model is finalized. A transparent, public process is consistent with the innovation center's guiding principles under the Trump administration, the lawmakers add.

"We strongly urge the Agency to provide more sunshine in this process, and allow Congress, beneficiaries, and stakeholders greater opportunity to provide feedback into the policies that CMMI tests that affect millions of Americans with Medicare," the letter states.

The lawmakers go on to say that CMMI model development has historically not been clear to Congress and stakeholders, and rulemaking has been limited to mandatory models. Neal and Brady add that CMMI is required to consult representatives of federal agencies and experts, as well as use open door forums and other ways to seek input from stakeholders. They ask CMS to detail how the innovation center fulfilled those requirements for models under consideration.

One delivery system reform expert said it is hard to know from the outside who CMS talks with when developing a model. The letter is very timely, the expert said, as there is no question that the innovation center takes a top-down attitude on the models.

The lawmakers ask CMS to respond by January 23. ■