

September 10, 2018

LETTER FROM THE PATIENT-CENTERED EVALUATION AND MANAGEMENT SERVICES COALITION TO MEMBERS OF CONGRESS

The Honorable Kevin Brady, Chairman
The Honorable Richard Neal, Ranking Member
Committee on Ways & Means

The Honorable Greg Walden, Chairman
The Honorable Frank Pallone, Ranking Member
Committee on Energy & Commerce

The Honorable Orrin Hatch, Chairman
The Honorable Ron Wyden, Ranking Member
Committee on Finance

Chairman Brady, Ranking Member Neal, Chairman Walden, Ranking Member Pallone, Chairman Hatch, and Ranking Member Wyden:

The undersigned members of The Patient-Centered Evaluation and Management Services Coalition (Coalition) write to share our concerns with the new evaluation and management (E/M) coding and payment proposals included in the Medicare Physician Fee Schedule Proposed Rule for Calendar Year 2019 (Rule). While we commend the Centers for Medicare and Medicaid Services' (CMS) efforts to reduce documentation burden, we are very concerned about the payment proposals and request that your committees take action to urge CMS to withdraw the E/M coding and payment proposals included in the Medicare Physician Fee Schedule Proposed Rule for Calendar Year 2019 (Rule).

We have significant concerns that the coding and payment aspects of the Rule, as currently framed, will have unintended consequences that will negatively impact patient access to appropriate care and should not be made final this year. For example, CMS proposes new codes that, while well-intentioned, are vague and could create new documentation burdens for practitioners. Implementation of any new coding structure requires substantial physician and office staff education and changes to our electronic health records systems, as well as changes for Medicare contractors and auditors. The undersigned medical professional societies and other stakeholders ask that any proposals to reform payment, including the proposed modifier 25 reimbursement reduction policy and coding for office visits, be withdrawn so we can work with CMS on a consensus-based coding structure the agency can implement in 2020 or 2021 without disrupting patient care and medical practice in your community.

The Coalition strongly supports the goals of CMS's "Patients Over Paperwork" initiative and appreciates Congress's work to move our healthcare system to one that prioritizes patients and quality of care over volume and burdensome administrative requirements. We commend CMS for starting a serious discussion on simplifying documentation, coding and payment for patient office visits so that clinicians can keep their focus on providing the best possible care for Medicare beneficiaries.

However, the Coalition believes additional modeling is needed to obtain more accurate estimates of the impacts of payment changes on medical practices and implications for patient care. Preliminary analyses

published by CMS and the American Medical Association (AMA), copies of which are attached, significantly differ as to the extent of the Rule's impact. As part of our commitment to a shared solution, the Coalition has engaged an independent consultant to perform additional data analysis of CMS's current proposal and to model alternatives. For this analysis, we will also consider whether retaining the current system or adopting specific reforms may be preferable. In addition, on behalf of our respective provider members and the patient populations they serve, we have begun substantive discussions with CMS about alternative approaches. Concurrently and complementary to the Coalition's work, the AMA has convened a physician workgroup that is considering workable alternatives.

Our goal is to work with CMS to create a consensus coding and payment structure that substantially improves on the current system in time for CMS's Calendar Year 2020 or CY 2021 rulemaking cycle.

We also believe CMS can and should finalize the sensible documentation reforms included in the Rule, while retaining the existing five-level coding structure as our experts work with CMS on payment reforms. We ask that you support prompt implementation of the following common sense proposals, which would be budget neutral:

1. Allow physicians the option to document office visits based solely on the level of medical decision-making or the face-to-face time for the visit as an alternative to the current guidelines.
2. Limit required documentation of an established patient's history to the interval history since the patient's previous visit for physicians who choose to continue using the current guidelines.
3. Eliminate the requirement for physicians to re-document information included by practice staff or the patient in the medical record.
4. Eliminate the prohibition on billing same-day visits by practitioners of the same group and specialty.
5. Eliminate the requirement to document justification for a home visit instead of an office visit.

We are grateful for your support of the Medicare providers in the Coalition and the patients they serve and look forward to working with you on these important issues. Please contact Alanna Goldstein at 212-308-1414 or agoldstein@americangeriatrics.org if you have any questions.

Sincerely,

American Geriatrics Society
AMDA - The Society for Post-Acute and Long-Term Care Medicine
American Academy of Allergy, Asthma & Immunology
American Academy of Dermatology Association
American Academy of Home Care Medicine
American Academy of Hospice and Palliative Medicine
American Academy of Neurology
American Academy of Otolaryngic Allergy
American Academy of Ophthalmology

American Association for Geriatric Psychiatry
American Association for the Study of Liver Diseases
American Association for Thoracic Surgery
American Association of Clinical Endocrinologists
American Association of Neurological Surgeons
American College of Cardiology
American College of Chest Physicians
American College of Physicians
American College of Rheumatology
American Gastroenterological Association
American Osteopathic Association
American Podiatric Medical Association
American Psychiatric Association
American Society for Blood and Marrow Transplantation
American Society for Clinical Pathology
American Society of Addiction Medicine
American Society of Hematology
American Society of Nephrology
American Society of Pediatric Nephrology
American Thoracic Society
American Urological Association
College of American Pathologists
Congress of Neurological Surgeons
Digestive Health Physicians Association
Heart Rhythm Society
Infectious Diseases Society of America
North American Neuromodulation Society
Renal Physicians Association
Society of General Internal Medicine
The Endocrine Society
The Society of Thoracic Surgeons

Enclosure:

CMS Analysis from MPFS CY 2019
AMA E/M Impact Analysis

TABLE 22: Specialty Specific Impacts Including Payment Accuracy Adjustments

| Specialty | Allowed Charges (in millions) | Estimated Potential Impact of Valuing Levels 2-5 Together, With Additional Adjustments |
|--|-------------------------------|--|
| OBSTETRICS/GYNECOLOGY | \$664 | 4% |
| NURSE PRACTITIONER | \$3,586 | 3% |
| HAND SURGERY | \$202 | Less than 3% estimated increase in overall payment |
| INTERVENTIONAL PAIN MGMT | \$839 | |
| OPTOMETRY | \$1,276 | |
| PHYSICIAN ASSISTANT | \$2,253 | |
| PSYCHIATRY | \$1,260 | |
| UROLOGY | \$1,772 | |
| ANESTHESIOLOGY | \$1,995 | |
| CARDIAC SURGERY | \$313 | |
| CARDIOLOGY | \$6,723 | |
| CHIROPRACTOR | \$789 | |
| COLON AND RECTAL SURGERY | \$168 | |
| CRITICAL CARE | \$334 | |
| EMERGENCY MEDICINE | \$3,196 | |
| ENDOCRINOLOGY | \$482 | |
| FAMILY PRACTICE | \$6,382 | |
| GASTROENTEROLOGY | \$1,807 | |
| GENERAL PRACTICE | \$461 | |
| GENERAL SURGERY | \$2,182 | |
| GERIATRICS | \$214 | |
| INFECTIOUS DISEASE | \$663 | |
| INTERNAL MEDICINE | \$11,173 | |
| INTERVENTIONAL RADIOLOGY | \$362 | |
| MULTISPECIALTY CLINIC/OTHER PHYS | \$141 | |
| NEPHROLOGY | \$2,285 | |
| NEUROSURGERY | \$812 | |
| NUCLEAR MEDICINE | \$50 | |
| OPHTHALMOLOGY | \$5,542 | |
| ORAL/MAXILLOFACIAL SURGERY | \$57 | |
| ORTHOPEDIC SURGERY | \$3,815 | |
| OTHER | \$30 | |
| PATHOLOGY | \$1,151 | |
| PEDIATRICS | \$64 | |
| PHYSICAL MEDICINE | \$1,120 | |
| PLASTIC SURGERY | \$387 | |
| RADIOLOGY | \$4,898 | |
| THORACIC SURGERY | \$360 | |
| VASCULAR SURGERY | \$1,132 | |
| ALLERGY/IMMUNOLOGY | \$240 | Less than 3% estimated decrease in overall payment |
| AUDIOLOGIST | \$67 | |
| HEMATOLOGY/ONCOLOGY | \$1,813 | |
| NEUROLOGY | \$1,565 | |
| OTOLARNGOLOGY | \$1,220 | |
| PULMONARY DISEASE | \$1,767 | |
| RADIATION ONCOLOGY AND RADIATION THERAPY CENTERS | \$1,776 | |
| RHEUMATOLOGY | \$559 | -3% |
| DERMATOLOGY | \$3,525 | -4% |
| PODIATRY | \$2,022 | -4% |
| TOTAL | \$93,486 | 0% |

AMA E/M Impact Analysis

Estimated Impact of CY2019 Evaluation and Management Proposed Policy by Medicare Specialty

*Includes CPT Codes 99201-99215, GCG0X, GPC1X, GPD0X and GPD1X, but does not include GPRO1 - prolonged service

Analysis uses Estimated CY2017 Medicare Utilization and CY2019 Medicare CF for both "Current Method" and "Proposed Method"; E/M MPPR Estimate based on 2016 Medicare Carrier 5% Standard Analytic File

Excludes specialties with less than \$1 million in CY2017 allowed charges for 99201-99215 or claims with unknown specialty designation

| Medicare Designated Specialty | Total Medicare Payment for Office Visits w/o Policy Changes (Using CY2018 Total RVUs) | Change in Payment Due To Proposed E/M Collapse Policy (includes G codes*) | Additional Change in Payment Due to E/M MPPR Policy | Net Change Due to E/M Collapse and E/M MPPR Policies | Total Medicare Payment for Office Visits Under Proposed Method (E/M Collapse and E/M MPPR) (Using Proposed CY2019 Total RVUs) | Percent Change in Payment for Office Visits (Both E/M Collapse and E/M MPPR Policies) |
|--|--|---|---|--|--|--|
| TOTAL | \$ 23,298,623,446 | | | | | |
| HOSPICE AND PALLIATIVE MEDICINE | \$ 6,491,871 | \$ (1,278,816) | \$ (21,072) | \$ (1,299,888) | \$ 5,191,983 | -20% |
| HEMATOLOGY | \$ 35,814,877 | \$ (5,616,074) | \$ (76,952) | \$ (5,693,026) | \$ 30,121,850 | -16% |
| GYNECOLOGY/ONCOLOGY | \$ 28,857,336 | \$ (3,997,258) | \$ (547,163) | \$ (4,544,421) | \$ 24,312,915 | -16% |
| MEDICAL ONCOLOGY | \$ 217,094,796 | \$ (31,098,224) | \$ (182,736) | \$ (31,280,960) | \$ 185,813,836 | -14% |
| NEUROPSYCHIATRY | \$ 3,342,298 | \$ (410,887) | \$ (23,423) | \$ (434,310) | \$ 2,907,988 | -13% |
| NEPHROLOGY | \$ 366,158,222 | \$ (47,203,589) | \$ (302,888) | \$ (47,506,478) | \$ 318,651,744 | -13% |
| NUCLEAR MEDICINE | \$ 3,261,367 | \$ (405,925) | \$ (12,208) | \$ (418,133) | \$ 2,843,234 | -13% |
| CARDIAC ELECTROPHYSIOLOGY | \$ 123,640,581 | \$ (15,324,933) | \$ (146,856) | \$ (15,471,789) | \$ 108,168,792 | -13% |
| CRITICAL CARE (INTENSIVISTS) | \$ 35,990,339 | \$ (4,325,639) | \$ (100,505) | \$ (4,426,144) | \$ 31,564,195 | -12% |
| RADIATION ONCOLOGY | \$ 85,243,662 | \$ (9,893,434) | \$ (574,960) | \$ (10,468,394) | \$ 74,775,268 | -12% |
| PODIATRY | \$ 645,600,644 | \$ (10,733,858) | \$ (65,687,368) | \$ (76,421,226) | \$ 569,179,418 | -12% |
| INTERVENTIONAL CARDIOLOGY | \$ 230,977,054 | \$ (25,262,896) | \$ (255,653) | \$ (25,518,549) | \$ 205,458,505 | -11% |
| PULMONARY DISEASE | \$ 519,566,122 | \$ (56,585,347) | \$ (692,200) | \$ (57,277,547) | \$ 462,288,575 | -11% |
| CARDIAC SURGERY | \$ 23,265,687 | \$ (2,414,967) | \$ (60,075) | \$ (2,475,041) | \$ 20,790,646 | -11% |
| THORACIC SURGERY | \$ 34,448,176 | \$ (3,351,307) | \$ (95,221) | \$ (3,446,528) | \$ 31,001,648 | -10% |
| SLEEP MEDICINE | \$ 18,791,073 | \$ (1,820,388) | \$ (3,618) | \$ (1,824,006) | \$ 16,967,067 | -10% |
| INFECTIOUS DISEASE | \$ 87,007,974 | \$ (7,183,264) | \$ (765,556) | \$ (7,948,821) | \$ 79,059,153 | -9% |
| GERIATRIC MEDICINE | \$ 62,649,142 | \$ (5,263,125) | \$ (425,824) | \$ (5,688,949) | \$ 56,960,193 | -9% |
| COLORECTAL SURGERY | \$ 32,609,046 | \$ 2,177,018 | \$ (4,743,104) | \$ (2,566,086) | \$ 30,042,961 | -8% |
| SURGICAL ONCOLOGY | \$ 18,788,106 | \$ (1,078,188) | \$ (285,170) | \$ (1,363,357) | \$ 17,424,749 | -7% |
| PHYSICAL MEDICINE AND REHABILITATION | \$ 296,738,502 | \$ (4,498,950) | \$ (11,065,012) | \$ (15,563,961) | \$ 281,174,540 | -5% |
| DERMATOLOGY | \$ 883,036,919 | \$ 209,244,544 | \$ (251,123,409) | \$ (41,878,865) | \$ 841,158,054 | -5% |
| NEUROLOGY | \$ 670,721,588 | \$ (24,948,472) | \$ (5,341,041) | \$ (30,289,513) | \$ 640,432,075 | -5% |
| PERIPHERAL VASCULAR DISEASE | \$ 3,031,756 | \$ (80,774) | \$ (35,394) | \$ (116,168) | \$ 2,915,588 | -4% |
| OPHTHALMOLOGY | \$ 515,715,805 | \$ 3,971,043 | \$ (23,714,332) | \$ (19,743,289) | \$ 495,972,516 | -4% |
| ANESTHESIOLOGY | \$ 169,519,002 | \$ (204,291) | \$ (5,065,536) | \$ (5,269,827) | \$ 164,249,175 | -3% |
| SPORTS MEDICINE | \$ 42,181,673 | \$ 3,583,247 | \$ (4,861,167) | \$ (1,277,920) | \$ 40,903,753 | -3% |
| GERIATRIC PSYCHIATRY | \$ 5,170,221 | \$ (156,210) | \$ - | \$ (156,210) | \$ 5,014,011 | -3% |
| CERTIFIED CLINICAL NURSE SPECIALIST | \$ 29,322,926 | \$ (747,025) | \$ (17,505) | \$ (764,530) | \$ 28,558,397 | -3% |
| EMERGENCY MEDICINE | \$ 164,829,846 | \$ (37,175) | \$ (3,767,129) | \$ (3,804,304) | \$ 161,025,541 | -2% |
| GASTROENTEROLOGY | \$ 494,407,166 | \$ (9,707,187) | \$ (1,359,395) | \$ (11,066,582) | \$ 483,340,584 | -2% |
| PREVENTIVE MEDICINE | \$ 6,380,418 | \$ 107,663 | \$ (244,648) | \$ (136,985) | \$ 6,243,434 | -2% |
| CERTIFIED REGISTERED NURSE ANESTHETIST | \$ 1,206,868 | \$ (17,505) | \$ (6,755) | \$ (24,260) | \$ 1,182,608 | -2% |
| ADDICTION MEDICINE | \$ 4,621,434 | \$ (63,406) | \$ (6,164) | \$ (69,570) | \$ 4,551,864 | -2% |
| PATHOLOGY | \$ 2,881,831 | \$ 331,366 | \$ (373,663) | \$ (42,297) | \$ 2,839,534 | -1% |
| RHEUMATOLOGY | \$ 375,417,278 | \$ 13,205,481 | \$ (17,540,236) | \$ (4,334,755) | \$ 371,082,523 | -1% |
| PEDIATRIC MEDICINE | \$ 25,857,819 | \$ 269,554 | \$ (484,578) | \$ (215,024) | \$ 25,642,796 | -1% |
| ENDOCRINOLOGY | \$ 374,423,628 | \$ (1,129,450) | \$ (186,831) | \$ (1,316,281) | \$ 373,107,347 | 0% |
| INTERNAL MEDICINE | \$ 3,871,679,750 | \$ 31,325,279 | \$ (24,729,341) | \$ 6,595,938 | \$ 3,878,275,688 | 0% |
| INTERVENTIONAL RADIOLOGY | \$ 9,484,370 | \$ 469,734 | \$ (413,873) | \$ 55,861 | \$ 9,540,231 | 1% |
| NEUROSURGERY | \$ 116,272,265 | \$ 1,791,395 | \$ (323,774) | \$ 1,467,620 | \$ 117,739,886 | 1% |
| HEMATOLOGY/ONCOLOGY | \$ 697,545,442 | \$ 10,699,495 | \$ (986,631) | \$ 9,712,865 | \$ 707,258,306 | 1% |
| FAMILY MEDICINE | \$ 3,606,747,571 | \$ 113,138,550 | \$ (56,711,076) | \$ 56,427,473 | \$ 3,663,175,044 | 2% |
| OSTEOPATHIC MANIPULATIVE MEDICINE | \$ 20,490,031 | \$ 761,315 | \$ (365,507) | \$ 395,808 | \$ 20,885,840 | 2% |
| ORTHOPEDIC SURGERY | \$ 947,571,929 | \$ 121,325,332 | \$ (94,947,028) | \$ 26,378,304 | \$ 973,950,233 | 3% |
| CARDIOLOGY | \$ 1,673,787,386 | \$ 50,259,515 | \$ (1,261,621) | \$ 48,997,894 | \$ 1,722,785,281 | 3% |
| PSYCHIATRY | \$ 428,733,813 | \$ 13,881,946 | \$ (31,113) | \$ 13,850,833 | \$ 442,584,645 | 3% |
| GENERAL SURGERY | \$ 331,303,718 | \$ 24,316,111 | \$ (9,332,412) | \$ 14,983,698 | \$ 346,287,416 | 5% |
| NURSE PRACTITIONERS | \$ 1,441,181,453 | \$ 93,149,384 | \$ (25,035,363) | \$ 68,114,021 | \$ 1,509,295,474 | 5% |
| HAND SURGERY | \$ 61,951,012 | \$ 10,538,938 | \$ (7,241,524) | \$ 3,297,414 | \$ 65,248,426 | 5% |
| DIAGNOSTIC RADIOLOGY | \$ 12,237,942 | \$ 907,940 | \$ (232,960) | \$ 674,980 | \$ 12,912,923 | 6% |
| PHYSICIANS ASSISTANT | \$ 880,931,609 | \$ 100,911,145 | \$ (51,442,398) | \$ 49,468,747 | \$ 930,400,356 | 6% |
| OTOLARYNGOLOGY | \$ 483,766,537 | \$ 120,847,876 | \$ (92,891,766) | \$ 27,956,110 | \$ 511,722,647 | 6% |
| ORAL SURGERY | \$ 8,519,498 | \$ 808,496 | \$ (304,336) | \$ 504,160 | \$ 9,023,658 | 6% |
| GENERAL PRACTICE | \$ 181,231,116 | \$ 13,894,726 | \$ (3,084,777) | \$ 10,809,949 | \$ 192,041,065 | 6% |
| VASCULAR SURGERY | \$ 115,959,089 | \$ 9,653,737 | \$ (1,658,179) | \$ 7,995,558 | \$ 123,954,646 | 7% |
| PAIN MANAGEMENT | \$ 166,806,512 | \$ 21,764,031 | \$ (6,627,973) | \$ 15,136,058 | \$ 181,942,570 | 9% |
| OPTOMETRY | \$ 273,100,554 | \$ 26,752,277 | \$ (1,697,949) | \$ 25,054,327 | \$ 298,154,881 | 9% |
| INTERVENTIONAL PAIN MANAGEMENT | \$ 168,203,323 | \$ 22,545,559 | \$ (6,788,185) | \$ 15,757,374 | \$ 183,960,697 | 9% |
| PLASTIC AND RECONSTRUCTIVE SURGERY | \$ 55,565,227 | \$ 10,280,479 | \$ (4,526,105) | \$ 5,754,374 | \$ 61,319,601 | 10% |
| UROLOGY | \$ 752,497,473 | \$ 126,343,272 | \$ (41,574,022) | \$ 84,769,250 | \$ 837,266,723 | 11% |
| ALLERGY/IMMUNOLOGY | \$ 95,801,235 | \$ 13,194,385 | \$ (603,585) | \$ 12,590,800 | \$ 108,392,035 | 13% |
| CERTIFIED NURSE MIDWIFE | \$ 2,144,561 | \$ 312,479 | \$ (20,735) | \$ 291,744 | \$ 2,436,305 | 14% |
| OBSTETRICS/GYNECOLOGY | \$ 225,275,520 | \$ 47,309,295 | \$ (9,018,841) | \$ 38,290,454 | \$ 263,565,974 | 17% |
| MAXILLOFACIAL SURGERY | \$ 4,558,435 | \$ 978,386 | \$ (146,599) | \$ 831,787 | \$ 5,390,222 | 18% |