

AMERICAN ASSOCIATION OF  
NEUROLOGICAL SURGEONS

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American  
Association of  
Neurological  
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Congress of  
Neurological  
Surgeons

CONGRESS OF  
NEUROLOGICAL SURGEONS

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May 19, 2021

The Honorable Pete Sessions  
U.S. House of Representatives  
2204 Rayburn House Office Building  
Washington, DC 20515

**SUBJECT: Neurosurgery Endorsement of Medicare Patient Empowerment Act**

Dear Representative Sessions:

On behalf of the American Association of Neurological Surgeons (AANS) and the Congress of Neurological Surgeons (CNS), representing more than 4,000 practicing neurosurgeons in the United States, we are writing to enthusiastically endorse your legislation, H.R. 3322, the "Medicare Patient Empowerment Act." If enacted, this legislation would ensure that Medicare beneficiaries can seek care from the physician of their choice by allowing patients and providers to privately contract for Medicare-covered services without penalty.

As you know, under current law, Medicare beneficiaries that choose to see physicians who do not accept Medicare are required to pay the physician's charge entirely out of personal funds — Medicare does not pay any part of the charge. Also, physicians who choose to provide covered services to Medicare beneficiaries under private contracts must "opt out" of the Medicare program for two years. During this time, Medicare does not pay the physician for any covered services provided to Medicare beneficiaries. These discriminatory policies are inappropriate and prevent beneficiaries from seeking care from the physician of their choice.

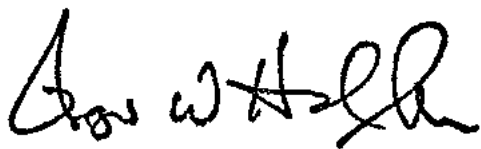
We all know that Medicare is essential to seniors, and we know that seniors are worried about its future and financial security. Seniors have paid into the system for many years. They certainly deserve to get what they were promised — a Medicare benefit that allows them access to the physician of their choice, even if he or she is no longer accepting Medicare. Unfortunately, under current law, they cannot. Thus, as the nation's largest government-sponsored health care program, Medicare needs change.

A patient who chooses to see a physician outside the Medicare system should not be treated as if he or she does not have insurance. Medicare should pay its fair share of the charge and allow the patient to pay the balance. Ultimately, private contracting is the only way to ensure that our patients can maintain control over their own medical decisions. While the government may have the right to determine what it will pay for medical care, it does not have the right to determine the value of that medical care. The individual patient should ultimately make this value determination. By allowing patients to contract with the physicians of their choice for any amount not covered by Medicare, patients will have the power to exercise this value judgment.

Finally, physicians should be free to opt-in or out of Medicare on a per-patient basis. At the same time, patients could pay for their care as they see fit and be reimbursed for an amount equal to that paid to "participating" Medicare physicians.

Rep. Sessions, we are proud to support the Medicare Patient Empowerment Act. The AANS and the CNS look forward to working with you to help ensure that this critical legislation is passed during the 117th Congress. Please let us know how we can help make this happen.

Sincerely,



Regis W. Haid, Jr., MD, President  
American Association of Neurological Surgeons



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