



Sound Policy. Quality Care.

February 8, 2013

The Honorable Lisa Murkowski
United States Senate
709 Hart Senate Office Building
Washington, DC 20510

RE: Support of S. 236, the "Medicare Patient Empowerment Act"

Dear Senator Murkowski:

As the Alliance of Specialty Medicine (Alliance), our mission is to advocate for sound federal health care policy that fosters patient access to the highest quality specialty care. As patient and physician advocates, the Alliance commends your legislation, S. 236, the "Medicare Patient Empowerment Act," which would permit Medicare beneficiaries and providers to privately contract for Medicare covered services without penalty.

Current law requires Medicare beneficiaries to pay out-of-pocket if they choose to see a physician that does not accept Medicare. Medicare will not cover any portion of the charges incurred. Further, physicians who choose to provide covered services to Medicare beneficiaries under private contracts must "opt out" of the Medicare program for two years. Medicare will not pay the physician for any covered services provided to Medicare beneficiaries during that time. Medicare beneficiaries—tax-paying Americans who have paid into the program for years—should not be prevented from using their Medicare benefits if they choose to see a physician that does not accept Medicare. These discriminatory policies are inappropriate and impeded Medicare beneficiaries' freedom of choice.

Medicare reimbursements to physicians continue to decline as a result of the flawed Sustainable Growth Rate (SGR) formula. In addition, the amount of regulatory burden increases with each regulation. As a result, more and more physicians are dropping out of the program so they can get back to practicing medicine, rather than running a business. Ultimately, beneficiary access to high-quality care will be compromised. We are in agreement that your legislation will help restore confidence in the Medicare program by ensuring beneficiary access to any physician they choose to see, regardless of the physician's participation status.

The Alliance recognizes that not every Medicare beneficiary will choose to exercise their right to privately contract and, in some cases, private contracting may be inappropriate. We

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support the patient protections included as part of your legislation that would disallow low-income patients, dual-eligibles and patients with emergency conditions to enter into private contracts.

Your legislation strikes the appropriate balance between expanding beneficiary choice and protecting the Medicare program and beneficiaries. For these reasons, the undersigned organizations of the Alliance extend our strong support of your legislation, S. 236.

Sincerely,

American Academy of Facial Plastic & Reconstructive Surgery
American Association of Neurological Surgeons
American Society of Mohs Surgery
American Gastroenterological Association
American Society of Cataract and Refractive Surgery
American Society of Echocardiography
American Society of Plastic Surgeons
American Urological Association
Coalition of State Rheumatology Organizations
Congress of Neurological Surgeons
National Association of Spine Specialists
Society for Cardiovascular Angiography and Interventions
Society for Excellence in Eyecare