

March 20, 2020

The Honorable Charles Grassley
Chairman
Finance Committee
US Senate
Washington, DC 20510

The Honorable Ron Wyden
Ranking Member
Finance Committee
US Senate
Washington, DC 20510

The Honorable Richard Neal
Chairman
Committee on Ways and Means
US House of Representatives
Washington, DC 20515

The Honorable Kevin Brady
Ranking Member
Committee on Ways and Means
US House of Representatives
Washington, DC 20515

The Honorable Frank Pallone
Chairman
Committee on Energy and Commerce
US House of Representatives
Washington, DC 20515

The Honorable Greg Walden
Ranking Member
Committee on Energy and Commerce
US House of Representatives
Washington, DC 20515

Dear Chairmen and Ranking Members:

The undersigned organizations applaud the swift action by Congress on passage of an emergency supplemental spending bill to address the most urgent COVID-19 response needs. While physician practices are doing their best to continue to provide as close as possible to business as usual, physician practices are already feeling the strain of staffing shortages and adjustments to workflow. Physicians are working to mitigate the spread of COVID-19 and appreciate the support and regulatory flexibility they have received from Congress and the Administration thus far, including relaxation of telemedicine guidelines, to provide patient care under the safest of possible environments. As you consider other steps to reduce regulatory burden and costs on physician practices, we respectfully request that you suspend further implementation of the Medicare Appropriate Use Criteria (AUC) Program for advanced diagnostic imaging.

The AUC Program is currently in an Educational and Operations Testing Period, during which the Centers for Medicare and Medicaid Services (CMS) has made clear there are no payment consequences associated with the AUC program. We are concerned that ongoing promotion by vendors of AUC clinical decision support (CDS) tools and the overlapping confusion by physicians and other clinicians about AUC requirements will have inordinate consequences for physicians and other clinicians.

Through legislative action to suspend the program, Congress can reassure physicians there is no expectation that they will need to prepare this year for participation in a new Medicare improvement program. And while it is unclear whether CMS will be able to move the program beyond an education and operations testing phase for 2021, CMS rulemaking will not conclude until September 2020 creating

a long period of uncertainty and confusion. Because of the aforementioned concerns, we are requesting Congress' intervention as soon as feasible.

Many of the undersigned organizations have previously expressed to you concerns with the AUC Program, including how the intent of program overlaps with existing CMS quality and value-based initiatives, including alternative payment models, the Merit-based Incentive Payment System, and other innovative models, including the Primary Cares Initiative, being tested through the Centers for Medicare and Medicaid Innovation.

We understand Congress will be confronted with many new and unprecedented challenges in the weeks and months ahead. Understanding there will be many pressing needs, we thank you in advance for allowing us to share our concerns regarding the AUC Program.

Sincerely,

American Academy of Family Physicians
American Academy of Otolaryngology - Head and Neck Surgery
American Academy of Physical Medicine and Rehabilitation
American Alliance of Orthopaedic Executives
American Association of Neurological Surgeons
American Association of Orthopaedic Surgeons
American College of Osteopathic Surgeons
American College of Physicians
American College of Surgeons
American Medical Association
AMGA
American Osteopathic Association
American Society for Gastrointestinal Endoscopy
American Society for Surgery of the Hand
American Society of Nuclear Cardiology
American Society of Plastic Surgeons
Congress of Neurological Surgeons
Medical Group Management Association
National Association of Spine Specialists