Seema Verma  
Administrator  
Centers for Medicare and Medicaid Services  
U.S. Department of Health and Human Services  
7500 Security Boulevard  
Baltimore, MD  21244

Dear Administrator Verma:

We are writing regarding the Centers for Medicare & Medicaid Services (CMS) calendar year (CY) 2019 outpatient prospective payment system (OPPS) proposed rule. The proposed rule incorporates changes to hospital outpatient services payment rates that we are concerned may affect efforts to move to value-based care.

Specifically, the CY2019 OPPS proposed rule would implement a significant reduction in the payment of evaluation and management (E/M) services delivered at off-campus hospital outpatient departments (HOPDs), which may run contrary to actions by Congress under Section 603 of the Bipartisan Budget Act of 2015 (BBA of 2015).

CMS cites Section 1833(t)(2)(F) of the Social Security Act as the authority under which the agency proposes to make this change. This provision gives the agency ability in “controlling unnecessary increases in the volume of covered OPD services.” It is unclear how CMS has deemed all of the OPD services at the grandfathered off-campus HOPDs as cause of an unnecessary increase in volume of OPD services, and we ask that you provide clarity on this when making these payment changes. We want to ensure that the payment cuts in the proposed rule are targeting services that the agency has deemed unnecessary. It is not clear that the increase in total expenditures for such services outlined by CMS is reflective of an increase that was unnecessary, nor that the proposed payment reduction will drive a reduction in utilization moving forward.

The agency has also proposed cutting payment to 40 percent of the current HOPD rate for grandfathered off-campus HOPDs that begin to furnish a new service from a clinical facility not offered prior to November 1, 2015 which could unfairly penalize grandfathered off-campus HOPDs that expand or diversify the critical services they offer to meet the changing needs of their patients.

We share the agency’s objectives of increasing efficiency, limiting costs incurred by beneficiaries, and paying for value within the Medicare program. We will continue to serve as partners in those efforts. However, we believe that these changes should not diminish progress made in the shift to value over volume in today’s health care system. As providers enter into different, value-based payment arrangements it is important that rate changes do not undercut these arrangements – potentially diminishing provider desire to invest in these positive changes.
partners in those efforts. However, we believe that these changes should not diminish progress made in the shift to value over volume in today’s health care system. As providers enter into different, value-based payment arrangements it is important that rate changes do not undercut these arrangements – potentially diminishing provider desire to invest in these positive changes.

The facilities impacted by this rule provide care to some of the most vulnerable patient populations in difficult to serve areas. We believe it is critically important for these patients to be able to access care and services in the appropriate setting in their communities.

We appreciate your consideration of these concerns.

Sincerely,

Peter Roskam
Member of Congress

Mike Thompson
Member of Congress

Mark DeSaulnier
Member of Congress

Thomas R. Suozzi
Member of Congress

John Moolenaar
Member of Congress

Barbara Comstock
Member of Congress

Donald M. Payne
Member of Congress

Anna G. Eshoo
Member of Congress

Ann McLane Kuster
Member of Congress

Elise Stefanik
Member of Congress

Josh Gottheimer
Member of Congress

Doug LaMalfa
Member of Congress
Peter T. King  
Member of Congress

Jack Bergman  
Member of Congress

Colleen Hanabusa  
Member of Congress

Joseph P. Kennedy III  
Member of Congress

Filemon Vela  
Member of Congress

James P. McGovern  
Member of Congress

Tom MacArthur  
Member of Congress

Claudia Tenney  
Member of Congress

Sean Patrick Maloney  
Member of Congress

Joe Crowley  
Member of Congress

Jaime Herrera Beutler  
Member of Congress

Earl Blumenauer  
Member of Congress

Lisa Blunt Rochester  
Member of Congress

David P. Joyce  
Member of Congress

Bruce Poliquin  
Member of Congress

Daniel Webster  
Member of Congress

Paul Cook  
Member of Congress

Grace Meng  
Member of Congress
Dan Newhouse  
Member of Congress

Ed Perlmutter  
Member of Congress

Katherine Clark  
Member of Congress

Greg Gianforte  
Member of Congress

Andy Barr  
Member of Congress

Bradley S. Schneider  
Member of Congress

Kathleen M. Rice  
Member of Congress

James Comer  
Member of Congress

Lee Zeldin  
Member of Congress

Derek Kilmer  
Member of Congress

Lynn Jenkins  
Member of Congress

Carol Shea-Porter  
Member of Congress

Donald Norcross  
Member of Congress

Daniel M. Donovan Jr.  
Member of Congress

Hakeem Jeffries  
Member of Congress

John Faso  
Member of Congress

John Katko  
Member of Congress

Andy Biggs  
Member of Congress
Steven Cohen  
Member of Congress

Rich Crawford  
Member of Congress

Wm. Lacy Clay  
Member of Congress

Ted Deutch  
Member of Congress

Paul Tonko  
Member of Congress

Eddie Bernice Johnson  
Member of Congress

John Garamendi  
Member of Congress

Albio Sires  
Member of Congress

Alma S. Adams Ph.D.  
Member of Congress

Steve Womack  
Member of Congress

Frank LoBiondo  
Member of Congress

Suzan DelBene  
Member of Congress

Eliot L. Engel  
Member of Congress

Dina Titus  
Member of Congress

Gene Green  
Member of Congress

William R. Keating  
Member of Congress

Suzanne Bonamici  
Member of Congress

Jackie Speier  
Member of Congress