

November 2, 2020

Representative Ami Bera, MD  
U.S. House of Representatives

Representative Larry Bucshon, MD  
U.S. House of Representatives

Representative Brendan Boyle  
U.S. House of Representatives

Representative George Holding  
U.S. House of Representatives

Representative Raul Ruiz, MD  
U.S. House of Representatives

Representative Phil Roe, MD  
U.S. House of Representatives

Representative Abby Finkenauer  
U.S. House of Representatives

Representative Roger Marshall, MD  
U.S. House of Representatives

Dear Representatives Bera, Bucshon, Boyle, Holding, Ruiz, Roe, Finkenauer, and Marshall:

On behalf of the undersigned organizations representing surgeons across the United States, we would like to express our support for the bipartisan  *Holding Providers Harmless From Medicare Cuts During COVID-19 Act of 2020*, H.R. 8702. Surgeons and anesthesiologists across the country face looming uncertainty — in the midst of the COVID-19 pandemic — about whether their Medicare payments will be significantly decreased, beginning in January. This legislation takes a critical step to provide stability for surgeons, anesthesiologists, their practices, and their patients by holding physicians harmless from planned Medicare payment cuts.

Earlier this year, the Centers for Medicare & Medicaid Services (CMS) issued the Calendar Year (CY) 2021 Medicare Physician Fee Schedule (MPFS) proposed rule, doubling down on a policy that will have drastic consequences for Medicare patients seeking surgical services at a time when physician practices are struggling to stay afloat. Starting January 1, 2021, CMS's changes to Medicare's evaluation and management (E/M) code policy will result in payment cuts for surgical services due to statutory requirements for budget neutrality under the MPFS. The  *Holding Providers Harmless From Medicare Cuts During COVID-19 Act of 2020* would protect surgeons, other specialty physicians, and non-physician providers from receiving payment cuts while they continue fighting a pandemic. Urgent action to pass this legislation is needed to ensure that many physician practices can keep their doors open and continue treating patients.

Additionally, we hope Congress will adopt legislation requiring CMS to incorporate the increased office and outpatient E/M values in the global surgical codes. CMS's failure to adjust the values of these codes conflicts with the law as mandated by the Omnibus Budget Reconciliation Act (OBRA) of 1989 (P.L. 101-239), which requires relativity across the MPFS and specifically prohibits CMS from paying physicians differently for the same work in Medicare.

We thank you for your leadership and strongly support the  *Holding Providers Harmless From Medicare Cuts During COVID-19 Act of 2020* . We look forward to working with you on enacting this legislation before the end of the year.

Sincerely,

American College of Surgeons

American Academy of Facial Plastic and Reconstructive Surgery

American Academy of Ophthalmology

American Association of Neurological Surgeons

American Association of Orthopaedic Surgeons

American College of Osteopathic Surgeons

American Orthopaedic Foot & Ankle Society

American Pediatric Surgical Association

American Society for Metabolic and Bariatric Surgery

American Society for Surgery of the Hand

American Society of Anesthesiologists

American Society of Cataract and Refractive Surgery

American Society of Colon and Rectal Surgeons

American Society of Plastic Surgeons

American Society of Retina Specialists

American Urogynecologic Society

Congress of Neurological Surgeons

Society for Vascular Surgery

Society of American Gastrointestinal and Endoscopic Surgeons

Society of Gynecologic Oncology

The American Society of Breast Surgeons

The Society of Thoracic Surgeons