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Congress of the United States
House of Representatives
Washington, DC 20515-4320

July 29, 2009

Dear Colleague:

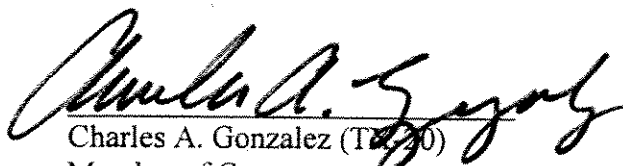
Please join us in sending a letter to Department of Health and Human Services Secretary Kathleen Sebelius expressing concern about the recent Center for Medicare and Medicaid Services (CMS) Notice of Proposed Rulemaking (NPRM) for the 2010 Medicare Physician Fee Schedule. In particular, we are concerned about proposed cuts to Medicare payments to oncologists and cardiologists – physicians that battle the two most lethal chronic conditions in America, cancer and heart disease.


CMS is proposing to reduce reimbursement for services commonly provided to patients with cancer and heart disease, such as chemotherapy and pacemaker implantation, by a staggering 20-40 percent. We are concerned that the survey data that was used to make this determination has serious flaws and might have created an inaccurate portrait of the cost of providing these important services to patients. Therefore, this survey process needs further evaluation and study before implementing these cuts.

Our nation has made significant progress in improving the lives of individuals with cancer and heart disease in this country. There are now more than 11 million cancer survivors in the United States, and over the past seven years, deaths from heart attacks have dropped by 30 percent. Sustaining this progress for patients will require adequate and predictable payment for these services. Cuts of this magnitude could cripple oncology and cardiology practices and threaten access to services that prevent premature death and disability for millions of Americans.

We hope you will join us in sending this important message to the Secretary Sebelius. If you have any questions or would like to cosign this letter, please contact Julie Hart with Congressman Gonzalez's office (Julie.Hart@mail.house.gov or 5-3236) or Andrew Hawkins with Congressman Mike Rogers' office (Andrew.Hawkins@mail.house.gov or 5-4872).

Sincerely,


Charles A. Gonzalez (TX-20)
Member of Congress


Mike Rogers (MI-08)
Member of Congress

COMMITTEE ON
ENERGY AND COMMERCE
SUBCOMMITTEE ON COMMERCE, TRADE, AND
CONSUMER PROTECTION
SUBCOMMITTEE ON
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CHAIR OF THE CONGRESSIONAL HISPANIC
CAUCUS CIVIL RIGHTS TASK FORCE
1ST VICE CHAIR
CONGRESSIONAL HISPANIC CAUCUS
SENIOR WHIP

Dear Secretary Sebelius:

We write to express our serious concern with the recent proposal from the Centers for Medicare and Medicaid (CMS) to cut Medicare payments to the physicians who manage the treatment of patients facing the two greatest killers of Americans—heart disease and cancer. CMS is proposing to cut the payment levels for the services provided by cardiologists and oncologists by as much as 40 percent in some cases. If this proposal stands, access to vital services like pacemaker monitoring and chemotherapy will be placed at risk.

We urge you to address three serious flaws in the survey used to determine these proposed cuts before implementing any changes. First, the proposed payment cuts are based on a survey that comes to the questionable conclusion that the cost of providing cardiology and oncology services has dropped substantially over the last five years. Such a finding defies logic and is inconsistent with the well-recognized trends.

Second, the sample sizes for the surveys conducted in cardiology and oncology were simply too small to be representative. As a result, the survey failed to adequately capture the conditions faced by patients and providers throughout the United States, especially in rural and low-income urban areas. It is our understanding that the survey failed to meet fundamental standards established in the recent past by CMS for the use of such external data sources.

Finally, the entire survey process lacked transparency. The public should have an opportunity to fully review the entire data set before such significant policy changes are implemented.

Our nation has made significant progress in improving the lives of individuals with heart disease and cancer in this country. There are now more than 11 million cancer survivors in the United States, and over the past seven years, deaths from heart attacks have dropped by 30 percent. However, our health care system continues to face many challenges. In addressing these challenges, we must work together to ensure that policy decisions are fair, predictable, and based on accurate information applied in a transparent manner.

For the reasons described above, we strongly recommend against finalizing the CMS proposal to use the new practice expense survey data in setting payment levels for 2010. We sincerely appreciate your consideration of this request and we look forward to working with you to address these critical issues.

Sincerely,

Charles A. Gonzalez (TX-20)
Member of Congress

Mike Rogers (MI-08)
Member of Congress