

December 3, 2020

The Honorable Mitch McConnell
Senate Majority Leader
U.S. Senate
317 Russell Senate Office Building
Washington, D.C. 20510

The Honorable Nancy Pelosi
Speaker of the House
U.S. Representatives
233 Cannon House Office Building
Washington, D.C. 20515

Dear Leader McConnell and Speaker Pelosi:

On behalf of the undersigned chapters representing Fellows of the American College of Surgeons, we urgently request that Congress include a solution to prevent drastic Medicare payment cuts in any must-pass legislation before the end of the year. As the COVID-19 pandemic surges and as surgeons across the country face looming uncertainty about significant decreases to their Medicare payments, holding physicians harmless from planned Medicare payment cuts would help to provide stability for surgeons, their practices, and their patients.

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. Effective January 1, 2021, CMS' 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. Legislation such as the Holding Providers Harmless From Medicare Cuts During COVID-19 Act of 2020 (H.R. 8702) would protect surgeons, other specialty physicians, and non-physician providers from receiving payment cuts while they continue fighting this pandemic. Urgent action to pass this legislation is necessary to ensure that many physician practices can stay afloat and continue treating patients.

Additionally, we urge Congress to adopt legislation requiring CMS to incorporate the increased office and outpatient E/M values in the global surgical codes. CMS' 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 again 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 and serving as a resource as you work to enact this legislation before the end of the year.

Sincerely,

Alabama Chapter
Alaska Chapter
Arizona Chapter
Arkansas Chapter
Brooklyn-Long Island Chapter
Colorado Chapter
Connecticut Chapter

Delaware Chapter
Eastern Long Island Chapter
Florida Chapter
Georgia Society of the American College of Surgeons
Guam Chapter
Hawaii Chapter
Idaho Chapter

Illinois Chapter
Indiana Chapter
Iowa Chapter
Jacksonville Chapter
Kansas Chapter
Kentucky Chapter
Keystone Chapter
Louisiana Chapter
Maine Chapter
Maryland Chapter
Massachusetts Chapter
Metropolitan Chicago Chapter
Metropolitan Philadelphia Chapter
Metropolitan Washington DC Chapter
Michigan Chapter
Minnesota Surgical Society – a Chapter of the ACS
Mississippi Chapter
Missouri Chapter
Montana and Wyoming Chapter
Nebraska Chapter
Nevada Chapter
New Hampshire Chapter
New Jersey Chapter
New Mexico Chapter
New York Chapter
North Carolina Chapter

North Dakota Chapter
North Texas Chapter
Northern California Chapter
Northwestern Pennsylvania Chapter
Ohio Chapter
Oklahoma Chapter
Oregon Chapter
Puerto Rico Chapter
Rhode Island Chapter
San Diego Chapter
South Carolina Chapter
South Dakota Chapter
South Florida Chapter
South Texas Chapter
Southern California Chapter
Southwest Missouri Chapter
Southwestern Pennsylvania Chapter
Tennessee Chapter
Utah Chapter
Vermont Chapter
Virginia Chapter
Washington Chapter
West Virginia Chapter
Western New York Chapter
Wisconsin Surgical Society - a Chapter of the ACS

Cc: The Honorable Charles Schumer
The Honorable Kevin McCarthy