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December 2, 2020

Senator Rand Paul
U.S. Senate
167 Russell Senate Office Building
Washington DC, 20510

Dear Senator Paul:

On behalf of the more than 82,000 members of the American College of Surgeons (ACS), I would like to express our support for the *Medicare Reimbursement Equity Act of 2020, S. 4932*. Surgeons across the country are faced with a 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 some stability for surgeons, their practices, and their patients.

In the Calendar Year (CY) 2020 Medicare Physician Fee Schedule (PFS) final rule published in November 2019, the Centers for Medicare & Medicaid Services (CMS) increased the payment levels for stand-alone office and outpatient E/M codes. However, CMS did not apply the payment adjustment to the identical E/M portion of the global codes. Although the agency received a significant amount of feedback on this proposal, the CY21 PFS continues to double down on this flawed policy.

By not incorporating the incremental revised office/outpatient E/M values in the global codes, CMS's policy conflicts with the law as mandated in the Omnibus Budget Reconciliation Act (OBRA) of 1989 (P.L. 101-239) which specifically prohibits CMS from paying physicians differently for the same work in Medicare. By mandating that CMS incorporate the revised E/M values in the global codes, the *Medicare Reimbursement Equity Act of 2020* will uphold current law and ensure CMS appropriately pays surgeons for the care that they provide.

We thank you for your leadership in introducing S. 4932 and we look forward to working with you to ensure this legislation is enacted before the end of the year.

Sincerely,

David B. Hoyt, MD, FACS
Executive Director