On August 25, 2022, the Centers for Medicare & Medicaid Services (CMS) released a final rule entitled, “Radiation Oncology (RO) Model.” Within that final regulation, CMS is finalizing its proposal to “delay the current start date of the RO Model to a date to be determined through future rulemaking, and to modify the definition of the model performance period to provide that the start and end dates of the model performance period for the RO Model will be established in future rulemaking.”

CMS has agreed with many ACRO proposals relating to the structure of the RO Model, including to develop a prospective (rather than retrospective) case rate, a 90-day episode, reductions in the discount factor, exclusion of brachytherapy, and other proposals. However, ACRO has continued to raise concerns in previous comments regarding the amount of the discount factor on the adequacy of case rates in the model as well as potential payment variation in the model due to proposed case mix adjustors.

While CMS reiterates in the final rule that it continues “to believe that the RO Model would address long-standing concerns related to RT delivery and payment, including the lack of site neutrality for payments, incentives that encourage volume of services over the value of services, and coding and payment challenges,” the agency also reiterates that “if discounts are lowered below 3.5 percent for the professional component and 4.5 percent for the technical component, we would need to expand the geographic scope of the RO Model to be larger than 30 percent of Core Based Statistical Areas.” ACRO has been willing to explore a larger (Core Based Statistical Area (CBSA) if CMS would consider a lower discount for the RO Model, for which ACRO has consistently advocated. However, CMS notes in the final rule that because some interested parties would not support the RO Model test moving forward with unchanged discounts and would not support increases to the geographic scope of the Model, the agency is finalizing its proposal to delay the start date of the RO Model to a date to be determined in the future.

It is noteworthy that while some commenters suggested that the RO Model be cancelled altogether, CMS explicitly stated “we do not agree with the comments that the RO Model should be cancelled.” ACRO has consistently advocated for sufficient notice from CMS prior to the announcement of any new start date to the RO Model and CMS notes in the final rule that “we would plan to propose a new start date for the RO Model at least 6 months prior to that proposed start date, and the public would have an opportunity to comment on the new proposed start date as part of the rulemaking process. CMS is committed to the success of the RO Model and providing RO participants sufficient time to prepare before the RO Model begins.” CMS is considering whether a January 1, 2024 start date or an alternative start date would be feasible.
To review the rule, please click on this link: https://public-inspection.federalregister.gov/2022-18541.pdf

Please also visit www.acro.org for additional news.

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