

November 12, 2020

Honorable Nancy Pelosi
Speaker
U.S. House of Representatives
Washington, D.C. 20515

Honorable Kevin McCarthy
Republican Leader
U.S. House of Representatives
Washington, D.C. 20515

Dear Speaker Pelosi and Leader McCarthy:

The American Society of Nephrology (ASN), the American Society of Pediatric Nephrology (ASPEN), and the Renal Physicians Association (RPA) represent the country's nephrologists who treat adult and pediatric patients with chronic kidney disease (CKD), end-stage renal disease (ESRD), and those who have received a kidney transplant. We respectfully request that you support H.R. 8505, a bill to waive the Medicare Physician Fee Schedule (MPFS) adjustments for one year, averting the cuts scheduled for January 1, 2021 for all physicians. This bipartisan bill introduced by Representatives Michael Burgess (R-TX) and Bobby Rush (D-IL) provides relief to all providers who have faced significant challenges this year as a result of the COVID-19 pandemic.

Our members deliver complex, cognitive care to the 37 million children, adolescents, and adults living with kidney diseases in the United States and treat a significant number of Medicare patients since all Americans with ESRD, regardless of age, are automatically eligible for the program. Despite the prevalence of CKD, patients in many parts of the country experience challenges finding a nephrologist as there is a significant nephrology workforce shortage. Some children must travel up to 10 hours to see their pediatric nephrologist; adult patients in remote geographies may face similar challenges. As such, our organizations strongly support the changes to the values of and documentation requirements for the outpatient evaluation and management (E/M) services the Centers for Medicare & Medicaid Services (CMS) is implementing on January 1, which will more appropriately value the complex work performed by our members. These changes are a first step towards addressing the longstanding undervaluation of non-procedural care.

CMS, however, has proposed a 10.6 percent cut to the conversion factor to implement these E/M changes in a budget neutral fashion. Many providers, regardless of specialty, cannot withstand a reimbursement reduction of this magnitude as the pandemic continues. COVID has negatively affected all physicians regardless of specialty, and accordingly all physicians require relief to address the ongoing public health emergency. HR 8505 waives the Medicare Physician Fee Schedule's (MPFS) budget neutrality requirement and is fully paid for, providing COVID relief to all physicians regardless of specialty.

Our organizations support HR 8505 because of its equitable approach to provider relief, as opposed to H.R. 8702, the Holding Providers Harmless From Medicare Cuts During COVID-19 Act of 2020. HR 8702 does not provide equitable relief to physicians; instead, it will exacerbate existing inequities in the MPFS while potentially creating new ones. Ultimately, this does not make sense for patients who need access to primary care physicians and a full range of specialists, including nephrologists.

Should Congress not be able to support HR 8505, or another solution that treats all physicians equally, we urge lawmakers to direct the Centers for Medicare & Medicaid Services (CMS) to phase-in the budget neutrality adjustment over a period of time – three or four years. There is historical precedent for this approach as CMS has phased-in other significant changes, including adjustments to the practice expense component of the fee schedule. Proceeding in this manner would allow CMS to continue to finalize its proposals for long-awaited adjustments to the relative values of fee schedule services while preserving the budget neutrality of the MPFS and without setting a precedent to treat certain fee schedule services differently.

Thank you for considering this request. Our organizations stand ready to work with you to ensure Americans continue to have access to the health care they need during the COVID-19 pandemic. Please contact David White, ASN's Regulatory and Quality Officer, at dwhite@asn-online.org, Stefanie Rinehart ASPN's Washington Representative, at srinehart@dc-crd.org, or Rob Blaser, RPA's Director of Public Policy, at rblaser@renalmd.org with any questions.

Sincerely,



Anupam Agarwal, MD, FASN
President
American Society of Nephrology



Michael JG Somers, MD
President
American Society of Pediatric
Nephrology



Jeffrey A. Perlmutter, MD
President
Renal Physicians Association

cc: The Honorable Richard Neal, Chair, Committee on Ways & Means
The Honorable Kevin Brady, Ranking Member, Committee on Ways & Means
The Honorable Frank Pallone, Chair, Committee on Energy & Commerce
The Honorable Greg Walden, Ranking Member, Committee on Energy & Commerce
The Honorable Michael Burgess
The Honorable Bobby Rush
The Honorable Ami Bera
The Honorable Larry Bucshon