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Donald Berwick, MD
Administrator
Centers for Medicare and Medicaid Services
Department of Health and Human Services
Room 445-G, Hubert H. Humphrey Building
200 Independence Avenue, SW
Washington, DC 20201

Re: Mandatory Enrollment Questions

Dear Administrator Berwick:

On behalf of the physician and medical student members of the American Medical Association (AMA), I write to express our concern regarding new, mandatory questions posed to physicians when they enroll in or update the Provider Enrollment, Chain and Ownership System (PECOS), either by paper form or electronically. Reportedly, when a physician seeks to enroll or revalidate on the internet-based PECOS, they must now respond to two new, mandatory questions: 1) "Do you accept new Medicare patients?"; and 2) "Are you, or will you be, providing Advanced Diagnostic Imaging Services?" Correspondingly, as of July 2011, the Medicare enrollment form CMS-855I now includes a new question – "Do you accept new Medicare patients?" (p.5) – and a new section requesting information on the accreditation of physicians seeking to supply Advanced Diagnostic Imaging (p.11).

The PECOS system has already been the subject of much consternation among enrollees. There have been a multitude of operational and educational difficulties in the implementation of internet-based PECOS, resulting in repeated delays. We support the Centers for Medicare and Medicaid Services' (CMS) effort to get the system working properly before denying claims. We are concerned that the inclusion of these new questions will disrupt this effort; we can envision a scenario where a physician decides not to answer one of the new questions, either because they do not understand that they are mandatory, or because they do not view them as material, resulting in systemic problems or backlogs. Further, we caution CMS that new, mandatory questions that are outside the scope of enrollment, or appear to constitute research for CMS' policy development, will have the undesired effect of creating ill will among physicians participating in the Medicare program.

The AMA requests that the new, mandatory questions on new patients and imaging services be immediately removed from both internet-based PECOS and enrollment form CMS-855I.

New Patients

The acceptance of new Medicare patients is not a condition of participation in the Medicare program, and should not be a requisite question when enrolling or revalidating in Medicare. The enrollment process is not a forum for research on trends in health care, or a barometer to be used for policy debate. CMS has devoted significant resources in an effort to streamline and simplify the enrollment process. The AMA supports and is appreciative of this effort. It seems nonsensical to now allow ancillary information gathering to cloud this effort.

The new-patients question also inappropriately revives CMS' "Mystery Shopper" program. As you know, that proposed program drew widespread opposition. Critics maintained that the program would be a misuse of government resources. Further, opponents asserted that the program would be counterproductive, as it would engender a sense among physicians that they were being unduly surveilled. In response, CMS canceled the program on June 28, 2011. We suggest that the new-patient enrollment question has the same wasteful and counterproductive effect, and is, in essence, the "Mystery Shopper" program in another form. Therefore, we strongly suggest that the new-patient question be removed.

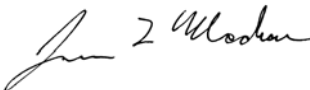
Advanced Diagnostic Imaging Services

The AMA is also concerned about the second new, mandatory question, "Are you, or will you be, providing Advanced Diagnostic Imaging Services?", and the correspondent section on the CMS-855I. We recognize that the Medicare Improvements for Patients and Providers Act (MIPPA) requires that participating physicians who seek to supply advanced diagnostic imaging services be accredited by January 1, 2012. However, we also understand that the accrediting organizations already report this information to CMS. Therefore, we do not think that it is necessary for this information to be solicited on the enrollment forms. Given the challenges of PECOS to date, we believe that requiring this information on the enrollment forms will further complicate the enrollment process by adding another, new line of questioning to the system, which is contrary to CMS' effort to simplify and streamline enrollment.

Conclusion

As CMS works to improve PECOS, and to encourage physician engagement in both internet-based PECOS and the Medicare program overall, CMS should be wary of additions to the enrollment process. In light of President Obama's Executive Orders 13563 and 13579, which called upon the Agencies to identify regulations that are excessively burdensome, and to streamline and modify those regulations, we believe that the addition of these questions to the enrollment system is contrary to the Administration's goals. **Therefore, the AMA requests that the new, mandatory questions on new patients and imaging services be immediately removed from both internet-based PECOS and enrollment form CMS-855I.** Should you have any questions about this letter, please contact Margaret Garikes, Director, Division of Federal Affairs, at margaret.garikes@ama-assn.org or 202-789-7409.

Sincerely,



James L. Madara, MD