

AMERICAN ASSOCIATION OF
NEUROLOGICAL SURGEONS

KATHLEEN T. CRAIG, *Executive Director*
5550 Meadowbrook Drive
Rolling Meadows, IL 60008
Phone: 888-566-AANS
Fax: 847-378-0600
info@aans.org



CONGRESS OF
NEUROLOGICAL SURGEONS

REGINA SHUPAK, *CEO*
10 North Martingale Road, Suite 190
Schaumburg, IL 60173
Phone: 877-517-1CNS
FAX: 847-240-0804
info@1CNS.org

President
ALEX B. VALADKA, MD
Richmond, Virginia

President
ASHWINI D. SHARAN, MD
Philadelphia, Pennsylvania

November 1, 2017

The Honorable Pete Sessions
U.S. House of Representatives
2233 Rayburn House Office Building
Washington, DC 20515

SUBJECT: Medicare Patient Empowerment Act

Dear Representative Sessions:

On behalf of the American Association of Neurological Surgeons (AANS) and Congress of Neurological Surgeons (CNS), representing more than 4,000 practicing neurosurgeons in the United States, we are writing to enthusiastically support your legislation, H.R. 4133, the "Medicare Patient Empowerment Act." If enacted, this legislation would ensure that Medicare beneficiaries can seek care from the physician of their choice by allowing patients and providers to privately contract for Medicare-covered services without penalty.

As you know, under current law, Medicare beneficiaries that choose to see physicians who do not accept Medicare are required to pay the physician's charge entirely out of personal funds — Medicare does not pay any part of the charge. Also, physicians who choose to provide covered services to Medicare beneficiaries under private contracts must "opt out" of the Medicare program for two years, during which time Medicare does not pay the physician for any covered services provided to Medicare beneficiaries. These discriminating policies are inappropriate and prevent beneficiaries from seeking care from the physician of their choice.

We all know that Medicare is essential to seniors, and we know that seniors are worried about its future and financial security. Seniors have paid into the system for many years, and they certainly deserve to get what they were promised — a Medicare benefit that allows them access to the physician of their choice, even if he or she is no longer accepting Medicare. Unfortunately, under current law, they cannot. Thus, as the nation's largest government-sponsored health care program, Medicare is in need of change.

Baby boomers are now entering the Medicare program, there is a shrinking pool of primary care and specialty physicians, and it is increasingly difficult for seniors and individuals with disabilities to find physicians who accept new Medicare patients as the gap between government-controlled payment rates and the cost of running a practice grows wider. Physicians also are reconsidering their participation in Medicare as they face an increasing number of regulations and penalties for failing to comply with quality reporting and documentation requirements; thus further exacerbating the number of physicians available to treat the elderly. While the Medicare Access and CHIP Reauthorization Act (MACRA) represents improvements to the Medicare physician payment system by repealing the flawed sustainable growth rate (SGR) formula and streamlining the Medicare quality reporting programs, another element of payment reform includes allowing patients and physicians to enter into arrangements known as private contracts voluntarily.

A patient who chooses to see a physician outside the Medicare system should not be treated as if he or she does not have insurance. Medicare should pay its fair share of the charge and allow the patient to pay the balance. Ultimately, private contracting is the only way to ensure that our patients can maintain control over their own medical decisions. While the government may have the right to determine what it will pay for medical care, it does not have the right to determine the value of that medical care. This value determination should ultimately be made by the individual patient, and by allowing patients to contract with the physicians of their choice for any amount not covered by Medicare, patients will have the power to exercise this value judgment. Finally, physicians should be free to opt in or out of Medicare on a per-patient basis, while patients could pay for their care as they see fit and be reimbursed for an amount equal to that paid to "participating" Medicare physicians.

Rep. Sessions, your legislation reflects these principles, so we are proud to support the Medicare Patient Empowerment Act. The AANS and CNS look forward to working with you to help ensure that this critical legislation is passed during the 115th Congress.

Sincerely,



Alex B. Valadka, MD, President
American Association of Neurological Surgeons



Ashwini D. Sharan, MD, President
Congress of Neurological Surgeons

Staff Contact:

Katie O. Orrico, Director
AANS/CNS Washington Office
725 15th Street, NW, Suite 500
Washington, DC 20005
Direct: 202-446-2024
Fax: 202-628-5264
Email: korrico@neurosurgery.org