



Physicians Caring for Texans

December 8, 2015

The Honorable John Cornyn
United States Senate
Washington, DC 20510

Dear Senator Cornyn:

It has, unfortunately, become routine for me to write you on behalf of the more than 48,000 physician and medical student members of the Texas Medical Association, seeking relief from some ridiculous edict from the Centers for Medicare & Medicaid Services (CMS).

They've done it again, and so I return with this entreaty.

The latest victims are those physicians who are actually trying to comply with CMS' convoluted pay-for-performance rules under programs known as the Physician Quality Reporting System (PQRS) and Value-Based Payment Modifier (VBM). They submitted data, no later than the end of March, on the quality of care they provided to Medicare patients in 2014: "quality" as defined by CMS, by the way. The agency uses that data to determine scores for each doctor. Not only can those scores lead to a cut in physicians' 2016 Medicare payments, but they also are published on a public website comparing physician "performance."

CMS gave physicians a peek at their scores in September. Two months later, the agency announced it had "issues" with the data submitted and "issues" with how it used that data to calculate payment penalties. Those "issues" meant that thousands of U.S. physicians will now see their Medicare payments cut by 2 to 4 percent next year. And CMS gave doctors until Dec. 16 to appeal these findings — all while providing conflicting and confusing information about its quality and cost reports and the appeals process.

Well, we have "issues" with what the agency is doing. We're asking you to tell CMS to back off on penalizing physicians who in good faith participated in PQRS in 2014. At the very least, please direct CMS to extend the appeals deadline into next year to give physicians enough time to review their reports and understand whether they should file an appeal.

As American Medical Association CEO James Madara, MD, wrote in a letter to CMS Acting Administrator Andrew Slavitt, "CMS' failure to provide transparent, clear, and timely information on the various data problems and the system glitches that have impeded accurate calculation of 2016 adjustments has led to mass confusion."

Our experience of just the past few months has proven that CMS is much better at generating mass confusion than it is at helping physicians care for Medicare and Medicaid patients. The agency's incompetence only multiplies the burden of numerous, overly complex regulations it forces onto physicians.

Physician burnout is real. Research shows the primary causes are government regulations that make no sense and mandated electronic health records that do no good. Our patients — your constituents — pay the price when burnt-out physicians retire early or convince bright young students to stay away from the medical profession.

We sincerely ask your assistance in stopping this ongoing government mistreatment of America's physicians.

Yours truly,

A handwritten signature in black ink that reads "Tom Garcia". The signature is written in a cursive style with a long, sweeping underline that extends to the right.

Tom Garcia, MD
President

CC: Andrew Slavitt