

Congress of the United States
Washington, DC 20515

September 18, 2014

The Honorable Marilyn Tavenner
Administrator, The Centers for Medicare and Medicaid Services
Department of Health and Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201

Dear Administrator Tavenner:

We are writing to address a recent Centers for Medicare and Medicaid Services (CMS) proposal concerning the reporting requirements for payments related to continuing medical education (CME) under the Physician Payment Sunshine Act's Open Payments program. Consistent with CMS' statements on the matter, we encourage the agency to exempt from its reporting requirements any payments related to the support of certified CME in order to ensure robust physician participation in this important activity without concern for Sunshine Act reporting rules.

CME plays a vital role in our healthcare system by improving patient outcomes, facilitating medical innovation, and keeping our nation's medical professionals up-to-date with the rapid pace of scientific discovery. Because of CME's important role in health care delivery, CME is recognized by medical practitioners as an essential part of continued professional development and a key resource in ensuring both the quality and effectiveness of care delivery.

In February of 2013, the CMS released a Final Rule implementing the Physician Payment Sunshine Act that included an important reporting exemption for payments to speakers at accredited CME events. At the time, CMS acknowledged that "industry support for accredited or certified continuing education is a unique relationship," and correctly recognized that rigorous accreditation standards exist to ensure that all certified CME curricula are evidence-based and free of inappropriate bias. Moreover, this unambiguously defined exemption sent a clear message to physician participants that they could present at, and attend, CME programs without finding themselves publicly reported in the Open Payments system as receivers of commercial support.

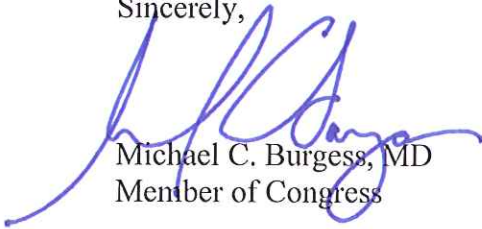
As part of a recent proposed rule outlining the CY 2015 Medicare Physician Fee Schedule (PFS), CMS suggested in the rule's preamble, "if an applicable manufacturer conveys 'full discretion' to the continuing education provider, those payments are outside the scope of the rule."

We are concerned this additional language proposed in the PFS rule could cause confusion for those organizing CME events. As you consider public comment and finalize your proposal in the coming weeks, we ask that you take into account our concerns for the proposed policy's potential negative effects on CME and the medical community.

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We appreciate your consideration of our concerns and look forward to your response. If you have any questions, please contact Katie Allen in Congressman Burgess' office at Kathryn.Allen@mail.house.gov or Tiffany Guarascio in Congressman Pallone's office at Tiffany.Guarascio@mail.house.gov.

Sincerely,



Michael C. Burgess, MD
Member of Congress



Frank Pallone, Jr.
Member of Congress