

# United States Senate

WASHINGTON, DC 20510

June 6, 2012

Marilyn Tavenner, Acting Administrator  
Centers for Medicare and Medicaid Services  
7500 Security Boulevard  
Baltimore, MD 21244-1850

Dear Administrator Tavenner:

We write to express our concern regarding an error that has led to Medicare reimbursement cuts for radiation oncology services in the 2012 Physician Fee Schedule (PFS) Final Rule. The cuts may have a substantial impact on cancer care centers, despite the fact that the cuts were due to an error. We therefore urge you to exercise your authority to correct the error and to restore appropriate radiation therapy payment under the current Physician Fee Schedule.

The practice expense relative value units (PERVUs) for intensity-modulated radiation therapy (IMRT) were reduced by 2 percent in the 2012 PFS Final Rule compared to the proposed rule. It has been brought to our attention that the PERVUs were reduced in large part because of the inadvertent omission of seven equipment direct inputs for the code. The American Medical Association (AMA) Relative Value Scale Update Committee (RUC) and radiation oncology specialty societies acknowledged that the omission of the seven equipment direct inputs in their materials submitted to CMS was an error that should be corrected, and have conveyed this to CMS in their comments on the final rule.

IMRT is a critical form of cancer treatment that uses radiation beams with different intensities to deliver higher doses of radiation within the tumor and lower doses to nearby healthy tissue. We are concerned that the payment reduction could have negative consequences for cancer care centers and the patients they care for. Moreover, a payment reduction does not seem appropriate for this acknowledged error on the part of the RUC.

We urge you to exercise your authority to correct the code in question under the current 2012 PFS, or as soon as possible. Thank you for your consideration.

Sincerely,

