March 3, 2016
The Honorable Andrew Slavitt
Acting Administrator
Centers for Medicare and Medicaid Services
200 Independence Ave, S.W.
Washington, D.C., 20201

Dear Mr. Slavitt:

We write regarding our concerns with the Increased Medicaid Payments for Primary Care Physicians program created in Section 1202 of the Health Care and Education Reconciliation Act of 2010. As we continue to hear from physicians in Tennessee, we fear the intent of the program to encourage more providers to accept Medicaid patients will not be realized, and the program as currently implemented will have the opposite effect of its goals and will instead limit access and discourage physicians from participating in the Medicaid program, especially now that the President has proposed extending the program through 2017 in his budget. We ask that the Centers for Medicare and Medicaid Services (CMS) evaluate its interpretation of the 60 percent threshold used to determine eligibility for the increased payments and delay recoupments until all states have finished auditing to ensure the program does not have these unintended consequences.

The Increased Medicaid Payments for Primary Care Physicians program required participating state Medicaid programs to pay for primary care services provided in 2013 and 2014 at the same level as Medicare rates. To determine program participation, CMS required physicians either be board-certified or report that 60 percent of Medicaid services provided were for evaluation and management services or vaccine administration, including ancillary services as part of total services billed. Due to confusion related to this 60 percent threshold, about 140 physicians in Tennessee are facing recoupments totaling more than $7.5 million.

Additionally, we believe other states may not have completed their audits of the enhanced payments and may experience similar findings of physicians being out of compliance with the threshold. We ask that CMS not recoup any incentive payments for participation in the program until all other states have completed their audits. This will allow for a complete assessment of the program and its holistic impacts on providers and Medicaid beneficiaries.

CMS has indicated that it is not considering alternate interpretations of the regulation and guidance related to the program in correspondence with the Tennessee Medical Association. We are concerned about the formula used for validating participation in the program and ask that you examine the regulation and guidance, considering the potential for discouraging physicians from caring for Medicaid beneficiaries.

As both Medicare and Medicaid take steps toward rewarding quality and incentivizing certain types of care, it is critical that we monitor and evaluate these changes to ensure their intended outcomes are realized and that beneficiaries are not compromised as a result of new programs or policies. We ask that you review participation requirements for the Increased Medicaid Payments for Primary Physicians and delay recoupments until all states have finished auditing to ensure the program does not have the
unintended consequences of discouraging provider participation in Medicaid and limiting access to beneficiaries.

Sincerely,

Lamar Alexander
United States Senator

Bob Corker
United States Senator

Diane Black
Member of Congress

Marsha Blackburn
Member of Congress

Steve Cohen
Member of Congress

Jim Cooper
Member of Congress

Scott DesJarlais
Member of Congress

John J. Duncan
Member of Congress

Stephen Fincher
Member of Congress

Chuck Fleischmann
Member of Congress

Phil Roe
Member of Congress