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December 29, 2008

Kerry Weems, Acting Administrator
Centers for Medicare and Medicaid Services
Department of Health and Human Services
Room 445-G
Hubert H. Humphrey Building
200 Independence Avenue, S.W.
Washington, DC 20201

Via Courier

RE: CMS-1403-FC Medicare Program: Payment Policies Under the Physician Fee Schedule and Other Revisions to Part B for CY 2009

Dear Administrator Weems:

The American Society of Clinical Oncology (ASCO) appreciates the opportunity to submit comments on changes to the Medicare physician fee schedule that the Centers for Medicare and Medicaid Services (CMS) implemented in the final rule for 2009. ASCO is the national organization representing physicians who specialize in the treatment of cancer. ASCO is committed to advancing policies that provide access to high-quality cancer care; we offer these comments with that mission in mind.

Our comments focus on ASCO's serious concerns about scheduled reductions in payment for chemotherapy drug administration services. Payments to oncologists for furnishing certain drug administration services will be reduced considerably as a result of policy changes in this final rule. We understand that these changes result from a combination of statutory requirements and regulatory modifications. However, we believe that the decreases are being implemented in 2009 without due consideration of their impact. Drug administration comprises a significant proportion of the services provided by oncologists in office-based practice. The scheduled decreases in payments will have a devastating impact on oncologists' ability to provide cancer care, with real potential to hinder Medicare beneficiaries' access.

As you know, ASCO has long argued that the current methodology used for determining oncology payments is fundamentally flawed, and does not appropriately account for oncologists' practice expense. We continue to develop alternative solutions to correct the current under-reimbursement for both drug administration and cognitive services provided by oncologists. In

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the interim, and at a minimum, we request that you dampen the impact that the current changes will have on oncology by transitioning payment changes for CPT codes 96402-96417, and CPT codes 96450-96542 over the next four years. We believe this is an important and necessary step that would help mitigate the negative effects of these changes on our members and their patients.

Thank you for your consideration of these comments.

Sincerely,

A handwritten signature in black ink that reads "Joseph S. Bailes". The signature is written in a cursive, flowing style.

Joseph S. Bailes, MD
Chair, Government Relations Council