



# United States Senate

WASHINGTON, DC 20510-0905

January 14, 2009

BILL NELSON  
FLORIDA

Kathleen Sebelius  
Secretary  
U.S. Department of Health and Human Services  
200 Independence Avenue, SW  
Washington, DC 20201

Dear Secretary Sebelius:

I write to express my continued concern with the 2010 Medicare physician fee schedule rule and its potential impact on private practice cardiology.

The Centers for Medicare and Medicaid Services (CMS) have used new survey data to determine physician payment rates. The CMS data used to calculate these fees showed a 42 percent decline in costs associated with running a cardiovascular practice. According to cardiologists, their costs have actually increased five to six percent annually. Nonetheless, cardiology practices and their patients are bracing for significant payment cuts.

Some fear a migration from private practice to hospital-based care, potentially threatening access for Medicare beneficiaries. They are concerned that this could result in longer waits for tests, higher co-pays and more costly trips to the hospital for treatment of outpatient services.

I understand that you made a number of changes to the proposed rule when it was finalized. In a meeting with me and affected constituents on Friday December 4, 2009, Jon Blum highlighted a provision in the final rule that would phase in payment cuts over a four-year period. However, the rule also calls for the elimination or consolidation of certain codes, and these significant changes will take effect immediately.

I have significant concerns that these cuts could prove difficult to bear for private practice cardiologists. Of particular concern are those who practice in areas with high concentrations of Medicare beneficiaries, who stand to be impacted the most by these cuts.

I request that you closely monitor the implementation of the new policy and keep me apprised of any changes that might indicate that beneficiary access is adversely affected. Further, should any negative impacts on beneficiaries be identified, I ask that you take immediate action to remedy the problem.

Sincerely,

*Bill Nelson*