



For Immediate Release

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**AMERICAN COLLEGE OF CARDIOLOGY REACTS TO U.S. DISTRICT COURT JUDGE'S
DISMISSAL OF THE LEGAL CHALLENGE TO MEDICARE'S PROPOSED 2010
PHYSICIAN FEE SCHEDULE**

“We are deeply disappointed in the judge’s decision not to hear our case on the preliminary injunction based on his opinion that the federal courts do not have jurisdiction to review Medicare physician payment determinations. Nevertheless, we continue to believe in the well-documented merits of our case. The American College of Cardiology will continue advocating for real payment solutions based on quality outcomes and patient care.

“What is deeply troubling about today’s ruling is that it sets the precedent that CMS has complete and unchecked control over physician reimbursement for patient care even where its determinations are based on faulty data. This only begs the question: Who’s next? Today’s ruling should be a warning to all physicians that anyone is susceptible to falling into CMS’s crosshairs unfairly and without recourse.

“Ironically, this rule will increase Medicare costs by shifting cardiologists and their patients to more expensive hospital settings. These cuts are a perverse ‘reward’ for the amazing work cardiologists have done over the past decade in reducing heart disease deaths by thirty percent.

“Today’s decision is counted as a loss; however, we stand behind our position that the system erred. The practice expense data used to determine this rule was inaccurate and incomplete. Reliance on this data will negatively impact patients' access to care.

“We have introduced legislation and we remain hopeful that Congress will get the message that these cuts represent bad public policy. “

“Our ongoing campaign for patient access is about making quality cardiovascular care accessible to the millions of Americans who are battling our country’s number one killer, heart disease. We will continue to fight on behalf of our patients to protect their access to quality care.”

About the American College of Cardiology

The American College of Cardiology is leading the way to optimal cardiovascular care and disease prevention. The College is a 37,000-member nonprofit medical society and bestows the credential Fellow of the American College of Cardiology upon physicians who meet its stringent qualifications. The College is a leader in the formulation of health policy, standards and guidelines, and is a staunch supporter of cardiovascular research. The ACC provides professional education and operates national registries for the measurement and improvement of quality care. More information about the association is available online at www.acc.org.

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