



# Radiation Oncology

**POLICY UPDATE**

JANUARY 2011

## President Signs the Medicare and Medicaid Extenders Act of 2010

On December 15, the President signed the Medicare and Medicaid Extenders Act of 2010 (MMEA) into law. The Senate passed the physician payment update on December 8, 2010 and the House of Representative cleared the legislation on the following day. [The New York Times](#) provides a broad overview of the action.

Section 101 of the MMEA prevents a scheduled payment cut for physicians that would have taken effect on January 1, 2011. The new law provides a zero percent update in physician reimbursement levels for calendar year 2011 and includes several one-year extensions of other expiring Medicare provisions, including an extension of the existing 1.0 floor on the “physician work” geographic practice cost index, through December 31, 2011.

The legislation is offset primarily through the following provisions:

1. Cuts to Exchange Subsidies Contained in the Health Reform Bill. The new law increases the existing limits (currently \$250 for an individual and \$400 for a family) that can be recovered from the health insurance tax credit overpayments.; and
2. The use of Medicare Improvement Fund Monies. Originally established as a \$22 billion fund for “improvement to Medicare,” the fund has been used for previous physician payment updates and makes a limited amount of money available to offset the costs of MMEA.

## Emergency Update to the CY 2011 Medicare Physician Fee Schedule (MPFS) Database

On December 29, CMS issued an emergency update to the CY 2011 Medicare Physician Fee Schedule (MPFS) database in the form of this [transmittal](#). The transmittal was released after several radiation oncology groups sent letters to CMS alerting the agency of a potential technical error in the valuation of 77427.

Through this transmittal, CMS accepted the arguments of radiation oncology groups that the work RVUs for 77427 should be 3.37. Also of importance, the transmittal establishes the new conversion factor for 2011 – \$33.9764 – based on the zero percent update contained in the Medicare and Medicaid Extenders Act of 2010 and other changes contained in the update. In addition, due to the budget neutral nature of changes to the PFS RVUs contained in the update, CY 2011 RVUs will change slightly in most cases relative to the CY 2011 PFS Final Rule. The agency has issued related payment files [here](#) containing the revised RVUs.



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### MedPAC Indicates Support for 1 Percent Increase in 2012 Doctor Medicare Payments

On December 2, MedPAC convened a panel to assess payment adequacy for physicians and discussed recommending a 1 percent increase in Medicare payments for physicians in 2012. The 2012 update recommendations, which will appear in MedPAC's March 2011 recommendations to Congress, will be voted on in January 2011. The commissioners appeared generally in favor of the 1 percent increase, which they also had recommended for 2011. Congress is not obligated to follow the recommendations of this independent advisory body but often uses these recommendations to frame the debate.

### Gynecologic Bill Signed Into Law

On December 22, President Obama signed [H.R. 2941](#), the Gynecologic Cancer Education and Awareness Act (Johanna's Law) into law. The new law, which requires HHS to increase the awareness and knowledge of health care providers and women with respect to gynecologic cancers, cleared Congress on December 10. This legislation reauthorizes Joanna's law through 2014.

### Radiation Oncology Presentations at NIH/AHRQ Conference

On December 2 and 3, NIH and AHRQ co-sponsored a conference on "Methodological Challenges in Comparative Effectiveness Research" on the main NIH campus in Bethesda, Maryland. Presentations of note included:

- Dr. Tim Wilt, Co-Director Minnesota AHRQ who [presented](#) on a "Systematic Review: Comparative Effectiveness & Harms of Treatments for Clinically Localized Prostate Cancer."
- Dr. Anthony Zietman, Professor of Radiation Oncology, Massachusetts General Hospital, [presented](#) on "CER in Prostate Cancer: the view of the radiation oncology community."
- Dr. David F. Penson, Professor of Urologic Surgery, Vanderbilt University Medical Center, [presented](#) on "Comparative Effectiveness Research in Localized Prostate Cancer: Finding the Middle Way."

### CMS Launches First Phase of Physician Compare Website

On December 30, CMS announced the first round of updates for its Physician Compare website. The update expands CMS' Healthcare Provider Directory through the inclusion of doctor-specific information into the informational tools for Medicare beneficiaries and other consumers. [The new site](#) was required by the Patient Protection and Affordable Care Act and contains information about physicians enrolled in the Medicare program.

The information on the site includes contact and address information for offices, the physician's medical specialty, where the physician completed their degree as well as residency, whether the physician speaks a foreign language, and the physician's gender. Later in 2011, CMS plans a second phase of the Website indicating whether professionals participate in a voluntary effort with the Agency encouraging doctors to prescribe medicines electronically. In future years, the site will be expanded with information about the quality of care Medicare beneficiaries receive from physicians. The ACA requires CMS to develop a plan to implement this expansion by 2013.



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### **CMS Hosts PQRI, eRx - National Provider Call**

On December 13, CMS hosted a national provider conference call on the 2010 Physician Quality Reporting System (PQRS) and Electronic Prescribing Incentive Program (eRx). The [presentation](#) focused on 2011 and 2012 eRx and PQRS payment adjustments, requirements for participation and self nomination deadline for EHR, Registry, MOC, GPRO I and GPRO II.

AHRQ releases clinician guide for Head and Neck Cancer Treatment

On December 1, the Agency for Healthcare Research and Quality (AHRQ) Effective Health Care (EHC) Program announced a clinical [guide](#) for the Comparative Effectiveness and Safety of Radiotherapy Treatments for Head and Neck Cancer. Background and a comparative effectiveness review are available [here](#).

### **CMS Quality Measures Workgroup Request for Comments**

The Quality Measures Workgroup, formed by the HIT Policy Committee (a federal advisory committee advising HHS), is developing recommendations on clinical quality measures enabled for use within electronic health record systems. In December, the Workgroup issued a [request for comment](#) on clinical quality measures for Stage 2 and Stage 3 Meaningful Use.

### **Poll: Most Oncologists Create Treatment Regimens that Vary from Guidelines**

On December 9, Congressional Quarterly reported that a [study](#), conducted for the Association of Community Cancer Centers by Avalere Health, found 94 percent of oncologists and nurses surveyed refer to medical guidelines when treating patients, but nearly 91 percent occasionally veer from such standards and create their own treatment regimens for cancer patients.

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