

TOM EMMER
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October 24, 2022

The Honorable Xavier Becerra
Secretary
Department of Health & Human Services
200 Independence Ave., S.W.
Washington, D.C. 20201

The Honorable Chiquita Brooks-LaSure
Administrator
Center for Medicare and Medicaid Services
7500 Security Boulevard
Baltimore, MD 21244

Dear Secretary Becerra and Administrator Brooks-LaSure,

I write to express concern regarding ongoing delays in the implementation of the appropriate use criteria (AUC) program authorized under Section 218(b) of the Protecting Access to Medicare Act of 2014 (PAMA).

Among other goals, PAMA was designed to ensure Medicare recipients receive suitable advanced imaging services, including computed tomography (CT), positron emission tomography (PET), magnetic resonance imaging (MRI), and nuclear medicine. To that end, Section 218(b) of this law directed the Secretary of Health and Human Services to establish an AUC program with a relevant clinical decision support mechanism (CDSM) for practitioners to determine when advanced imaging services are appropriate to meet a patient's needs.

It has now been over eight years since PAMA was enacted, and a Section 218(b) AUC program has still not been implemented. In the 2022 Physician Fee Schedule, CMS announced that implementation would occur on the latter of January 1, 2023 or the January 1 following the end of the COVID-19 public health emergency. However, CMS subsequently announced in July 2022 that it is no longer committed to this timeline.

Full implementation of the AUC program will ensure that practitioners are able to provide the best possible high-value imaging services to patients, while avoiding unnecessary or duplicative procedures. By contrast, further delays threaten to compromise patient health and will undoubtedly contribute to wasteful Medicare spending.

To ensure practitioners are provided with the clarity they deserve, I respectfully seek answers to the following two questions:

- Has CMS considered a new timeline for implementation of the Section 218(b) AUC program?
- If not, what are the reasons for the continuing delay?

Thank you for your attention to this matter. I look forward to your prompt response.

Sincerely,

A handwritten signature in blue ink that reads "Tom Emmer". The signature is written in a cursive, slightly stylized font. The first name "Tom" is written in a larger, more prominent script, and "Emmer" follows in a similar but slightly smaller script.

Tom Emmer
Member of Congress