

July 21, 2009

The Honorable Nancy Pelosi  
Speaker  
U.S. House of Representatives  
H-232 Capitol Building  
Washington, DC 20515

Dear Speaker Pelosi:

On behalf of the undersigned surgical organizations, we write to voice our strong opposition to the “Independent Medicare Advisory Council (IMAC) Act of 2009” and the “Medicare Payment Advisory Commission (MedPAC) Reform Act of 2009” (H.R. 2718, S. 1110, S. 1380). Medicare payment policy requires a broad and thorough analysis of providers and beneficiaries, and leaving these decisions regarding payment policy in the hands of an unelected, unaccountable governmental body with minimal Congressional input will negatively impact the availability of quality, efficient health care to Americans. Should provisions to place the authority for Medicare payment policy in an unelected executive agency be included in any legislation at any point, the surgical community would vigorously oppose this legislation regardless of any other provisions that may be included.

In its current role, MedPAC serves an important function as an advisory committee to elected decision makers in Congress. Using MedPAC’s recommendations, Congressional leaders are currently able to consider the realities facing Medicare beneficiaries and providers through an open legislative process. However, the creation of IMAC or a reconstituted MedPAC would severely limit Congressional oversight of the Medicare program and replace the transparency of Congressional hearings and debate with a less transparent process overseen by the executive branch with at best minimal accountability for the health care decisions it makes.

Secondly, we are deeply concerned with placing excessive authority in a body that will be both small in size – in the case of IMAC, only five members – and limited in its ability to grasp the impact of its decisions on the delivery of care. Among its membership, MedPAC presently includes three practicing physicians who draw from firsthand experience when considering how proposed recommendations could impact the delivery of health care from both the provider and patient perspective. With the added full-time duties and responsibilities of serving on IMAC or a new MedPAC, it is difficult to envision a scenario that would allow physicians and other health care providers to continue their careers while serving on such a policy-setting body at the executive branch level. As a result, such important perspectives that appreciate the patient-provider relationship would be lost.

Ironically, the changes proposed in this legislation would fail to remove politics from Medicare payment policy; rather, this legislation would simply move these important Medicare policy decisions to a very small number of unelected officials that will be largely unaccountable to the more than 45 million Medicare beneficiaries whose health care will be affected by such decisions. Given how other insurers, including some proposed public insurance options, look to Medicare to determine payment rates, it is easy to see how a proposal that invests so much authority in a small board with so little accountability could eventually result in either IMAC or MedPAC serving as the single entity that sets payment rates for all services in our health care system.

At a time when health care reform is a top legislative priority and major changes are being considered, we cannot afford to disregard Congressional oversight when making decisions that impact millions of beneficiaries' ability, and the ability of all Americans, to receive quality care.

Sincerely,

American Academy of Facial Plastic and Reconstructive Surgery  
American Academy of Ophthalmology  
American Academy of Otolaryngology-Head and Neck Surgery  
American Association of Neurological Surgeons  
American Association of Orthopaedic Surgeons  
American College of Surgeons  
American Society of Breast Surgeons  
American Society of Cataract and Refractive Surgery  
American Society of Colon and Rectal Surgeons  
American Society for Metabolic & Bariatric Surgery  
American Society of Plastic Surgeons  
American Urological Association  
Congress of Neurological Surgeons  
Society for Vascular Surgery  
Society of Gynecologic Oncologists  
The Society of Thoracic Surgeons