

Congress of the United States
Washington, DC 20515

September 29, 2006

Mark B. McClellan, M.D., Ph.D.
Administrator
Centers for Medicare and Medicaid Services
Room 314G
Hubert H. Humphrey Building
200 Independence Ave., SW
Washington, DC 20201

Dear Dr. McClellan:

We are writing with regard to the implementation of Section 5102 - Adjustments in Payment for Imaging Services as enacted in the Deficit Reduction Act (DRA) of 2005, seeking exemption from payment reductions starting January 2007 for non-invasive vascular diagnostic studies.

We are concerned that non-invasive vascular diagnostic studies will be included by the Centers for Medicare and Medicaid Services (CMS) in the final regulation to implement Section 5102 of the DRA when in fact these studies contain no imaging or are predominately non-imaging in nature. The use of ultrasound imaging is only for guiding the acquisition of the physiologic, non-imaging, Doppler data, and is not in itself the primary modality of these studies. As further justification, the introduction to the non-invasive vascular diagnostic studies' section of the AMA 2006 CPT Code book, found in the "Medicine" section, emphasizes the interpretation of bi-directional vascular flow data, which is a non-imaging service.

Given that non-invasive vascular studies are the ones performed to ensure that arterial blockages are diagnosed and treated early, reducing the possibility of stroke or other vascular event, we believe it is important that CMS not include studies that contain physiologic procedures, with the data coming from Doppler spectrum analysis. This includes Doppler shifted frequencies, blood flow velocities, ratios of blood velocities and Doppler waveform characteristics that are all solely physiologic in nature.

There are various methods that a vascular surgeon can use to diagnosis vascular disease; however, non-invasive vascular studies are by far the least expensive for the Medicare program and have years of published literature supporting their accuracy and reliability. We are concerned if non-invasive vascular studies are included under the DRA, the reductions in reimbursement (on average 32%) are at such a level that some vascular imaging facilities may be forced to close or reduce services, particularly in rural or underserved areas. This would cause an unintended consequence - services would be forced to shift back to the hospital setting where instead of ordering a non-invasive vascular study, vastly more expensive and invasive tests such as contrast-enhanced CT scans or contrast-enhanced MR scans would be ordered.

We appreciate CMS's commitment to ensuring appropriate utilization and payment levels within the Medicare program of certain procedures. However, interpreting the description of imaging services in Section 5102 of the DRA to include non-invasive vascular studies would appear to broaden the intent of the statute. Rather, we strongly recommend exemption of non-invasive vascular studies, ensuring access to them for our nation's patients.

We look forward to your response regarding this immediate matter.

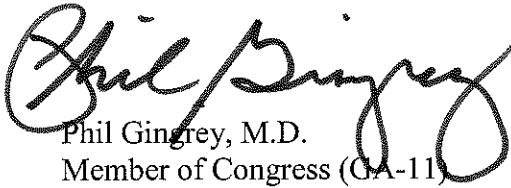
Sincerely,



Dave Weldon, M.D.
Member of Congress (FL-15)



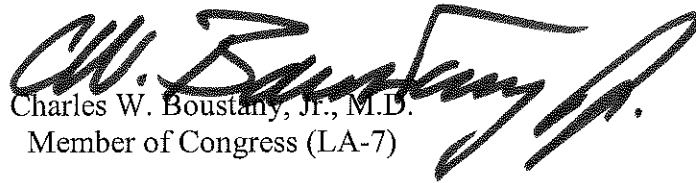
Michael C. Burgess, M.D.
Member of Congress (TX-26)



Phil Gingrey, M.D.
Member of Congress (GA-11)



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Member of Congress (GA-6)



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