

February 4, 2019

The Honorable Seema Verma
Administrator
Centers for Medicare & Medicaid Services
U.S. Department of Health and Human Services
Hubert H. Humphrey Building
200 Independence Avenue, SW
Washington, DC 20201

Dear Administrator Verma:

On behalf of our physician and medical student members, the American Medical Association (AMA) urges the Centers for Medicare & Medicaid Services (CMS) to align the Quality Improvement Organizations (QIO) Manual guidance on redeterminations to be consistent with current Agency instructions to the QIOs.

AMA staff recently met with CMS officials regarding concerns with how the QIO appeals process is currently structured. Physicians who have experienced a QIO appeal have voiced concern that the process, and particularly redeterminations, lacks fairness. The Medicare QIO Manual explicitly states that the QIO must inform the beneficiary that, if the QIO receives a request for reconsideration from any of the parties, the results of the Final Initial Determination could change.¹ CMS officials indicated that providers are also informed in these situations. However, the QIO Manual does not include this parallel requirement that the provider must be informed. Therefore, we ask that the QIO Manual be updated to align with the actual practice.

Perhaps more troubling, when one party initiates a redetermination request, the QIO Manual does not discuss offering the other party the opportunity to provide any information.² While we recognize that the QIO process is administrative in nature, we have heard specific concerns from our members on this issue. We understand that situations exist, particularly in rural areas, where the beneficiary may not want to jeopardize their relationship with a provider. Thus, while allowing for certain exceptions to cover specific situations, we urge the Agency to adopt a policy that notifies parties when a redetermination review is initiated. The burden should fall on the party initiating the redetermination to explain why the other party should not be informed of a reconsideration. The AMA believes that giving both parties appropriate notification during redeterminations would help rectify the current inequities built into the QIO appeals process.

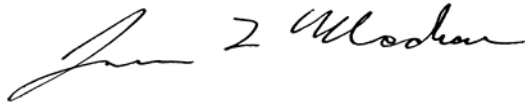
¹ CMS, *Quality Improvement Organization Manual*, Chap. 5, § 5055.6 (“[A] QIO must also inform the beneficiary if the QIO receives a request for reconsideration from any of the parties, the results of the QIO’s Final Initial Determination could change.”).

² *See id.* § 5060.

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We appreciate your consideration of our concerns. Should you have any questions or to arrange a meeting, please contact Jason Scull, Assistant Director, Federal Affairs, at jason.scull@ama-assn.org or 202-789-4580.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim L Madara". The signature is written in a cursive, flowing style.

James L. Madara, MD