

COMMITTEE ON WAYS AND MEANS

U.S. HOUSE OF REPRESENTATIVES

WASHINGTON, DC 20515

January 9, 2019

Seema Verma
Administrator
Centers for Medicare and Medicaid Services
7500 Security Boulevard
Baltimore, MD 21244

Dear Administrator Verma,

We write to urge the Centers for Medicare & Medicaid Services (CMS) to increase transparency in the Center for Medicare and Medicaid Innovation (CMMI) and reform its processes to incorporate greater opportunity for public input as models are developed. Congress established CMMI to test different innovative delivery system and payment models to improve quality and reduce costs for Medicare and Medicaid beneficiaries. In carrying out its duties, CMMI is required to “consult representatives of relevant Federal agencies, and clinical and analytical experts with expertise in medicine and health care management. The [CMMI] shall use open door forums or other mechanisms to seek input from interested parties.”¹

We have long been advocates for health care innovation. However, significant policy changes made unilaterally by the executive branch without sufficient transparency could yield unintended negative consequences for beneficiaries and the health care community. We strongly urge the Agency to provide more sunshine in this process, and allow Congress, beneficiaries, and stakeholders greater opportunity to provide feedback into the policies that CMMI tests that affect millions of Americans with Medicare.

CMMI model development process has historically been opaque to Congress and to stakeholders. CMMI does not always use the traditional rulemaking cycle in which the public may provide comment to CMS to better inform and perfect the regulatory process. Moreover, over the last few years, CMMI rulemaking has been narrowed to topics that only include mandatory models, rather than an opportunity to better understand how all models would affect patients and the Medicare program.

Congress allowed the Secretary to waive certain Medicare rules, so long as the model is expected to improve quality and reduce spending or reduce spending without reducing quality.² As a result— and consistent with CMMI’s own guiding principles under this Administration³— it is

¹ 42 U.S.C. §1315a(a)(3)

² 42 U.S.C. § 1315a(a)

³ Centers for Medicare & Medicaid Services, “CMMI: Innovation Center New Direction.” Accessed on January 3, 2019. <https://innovation.cms.gov/Files/x/newdirection-rfi.pdf>

imperative to have a transparent, public process to ensure that these models do not cause unintentional harm to Medicare beneficiaries.

Please provide answers to the following questions:

1. What models are under active consideration by the agency? We have heard from stakeholders that some models currently may be in development. Please provide the following information as it relates to the development of any such models:
 - a. The estimated timeline for each;
 - b. The rulemaking or other public comment period that will be provided before finalization of the model parameters;
 - c. The Innovation Center Investment Proposal (ICIP) for these models as they exist in the date of this letter;
 - d. Please detail how CMMI has fulfilled its statutory obligation to "...consult representatives of relevant Federal agencies, and clinical and analytical experts with expertise in medicine and health care management;" and
 - e. Any estimates from the Office of the Actuary as it relates to each of these models.

2. Please provide a description of additional activities that CMS and CMMI intend to engage in to promote transparency and engage Congress, stakeholders, Medicare beneficiaries and the public prior to each model being finalized.

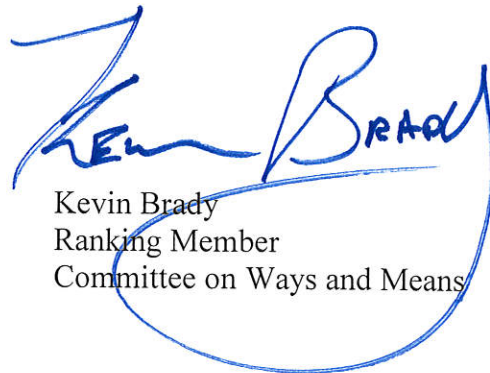
We request this information be delivered within two weeks of this letter, January 23, 2019. Should you have any questions about this request, please contact Amy Hall or Sarah Levin of the Ways and Means Majority Committee staff at (202) 225-3625 and Stephanie Parks or Carla DiBlasio of the Ways and Means Minority Committee staff at (202) 225-4021.

We look forward to working with you to ensure that CMS adheres to Congressional intent relating to CMMI; that it tests and promotes innovate delivery system models, but does not bypass Congress and the public to rewrite Medicare law for beneficiaries.

Sincerely,



Richard E. Neal
Chairman
Committee on Ways and Means



Kevin Brady
Ranking Member
Committee on Ways and Means