



Radiology Business
Management Association

9990 Fairfax Blvd.
Suite 430
Fairfax, VA 22030

Direct 703-621-3355
Toll Free 888-224-7262
Fax 703-621-3356

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Ms. Seema Verma
Administrator
Center for Medicare & Medicaid Services
Mail Stop C4-26-05
7500 Security Boulevard
Baltimore MD 21244-1850

RE: CMS -1720-NC
Request for Information Regarding the Physician Self-Referral Law

Dear Ms. Verma,

This letter serves as response to CMS's request for information on how to address any undue regulatory impact and burden of the physician self-referral law.

Founded in 1968, the RBMA represents over 2,300 radiology practice managers and other radiology business professionals. In the aggregate, RBMA's influence extends to over 24,000 radiologic technologists and 26,000 administrative staff. RBMA is the leading professional organization for radiology business management, offering quality education, resources and solutions for its members and the health care community, and helping shape the profession's future.

RBMA appreciates that CMS is using the RFI process for soliciting comments from stakeholders in the healthcare industry prior to making any changes to the Stark Law. From the RFI, RBMA understands that CMS is looking for input on specific examples demonstrating where potential risk sharing arrangements would be prohibited under law, but where stakeholders feel their specific situation would advance value-based care and provide for the development of cost reduction initiatives.

RBMA recognizes that certain regulatory and/or legislative issues need to be reviewed and updated to accommodate an evolving healthcare environment. As we move into a "value based" healthcare system, stakeholders have expressed concern that the Physician Self-Referral regulations and policies create a barrier to effective and efficient integration, innovation and coordination of care. RBMA supports reviewing these regulations with consideration given to creating an environment where the highest quality patient care is delivered at the most cost-effective level.

RBMA strongly believes that we can accomplish the objective of delivering high quality value-based healthcare while adhering to the core principals of the Physician Self-Referral legislation and policies. Most RBMA members continue to operate in environments where traditional Medicare Fee-For-Service systems dominate the payor structure. Even most ACO's, risk sharing arrangements or APMs still process transactions within a fee for service framework, with a "rear view mirror" analysis on financial performance and outcomes. Where traditional Fee-For-Service payment structures exist, RBMA recommends adhering to the current regulatory framework and providing further guidance in the following areas:

- The original intent of the Stark Law, under the In-Office Ancillary Exception, (IOAE) was to allow diagnostic imaging services to be provided by a facility that had a financial relationship with the ordering physician, if done within the same facility where the ordering physician is located and done on the SAME DAY where there is an office visit with the ordering physician. The intent being patient convenience and coordination of care. Most of the advanced diagnostic imaging services (MRI, CT, PET and Nuclear Medicine) performed under the IOAE are not done on the same day as an office visit. RBMA urges CMS to clarify regulation and policy concerning the original intent and specifically state that the technical component of a diagnostic imaging service performed under the IOAE must be completed on the same day as an office visit with the ordering provider.
- Within our complex health environment, with increasing gender parity in the ranks of US physicians, an ordering physician may have within their immediate family a radiologist, frequently who is their spouse. Currently as written, it could be problematic under the Stark Law if the ordering physician is treating a Medicare patient that is a hospital inpatient or outpatient and in the course of treatment orders diagnostic imaging services at the hospital where their family member radiologist also maintains hospital privileges. RBMA requests CMS to revise the definition of immediate family member to exclude the professional component of imaging services when immediate family members of the radiologist refer patients to hospitals and the images are interpreted by a member of a radiology group in which that radiologist is a shareholder of a group that provides services to the hospital under an exclusive professional services contract.

RBMA members appreciate the opportunity to provide comments regarding the Physician Self-Referral Law. Should you or your team/staff have any questions concerning the RBMA's positions, please feel free to contact Robert Still, Executive Director, 703.621.3363 or bob.still@rbma.org.

Sincerely,



Christie James, FRBMA
President RBMA



Robert T. Still, FRBMA
Executive Director