

Local Coverage Determination Clarification Act (H.R. 3635/S. 794)

REQUEST

The Alliance of Specialty Medicine urges Congress to increase transparency and improve accountability in the Medicare local coverage determination (LCD) process by cosponsoring the bipartisan “**Local Coverage Determination Clarification Act**” (H.R. 3635/S. 794) introduced by Representatives Lynn Jenkins (R-KS) and Ron Kind (D-WI); and Senators Johnny Isakson (R-GA) and Tom Carper (D-DE).

BACKGROUND

The “**Local Coverage Determination Clarification Act**” will improve the LCD process by:

- Requiring that Medicare Administrative Contractors’ (MACs) Carrier Advisory Committee (CAC) meetings are open, public, and on the record;
- Ensuring that MACs include a description of the evidence considered when drafting an LCD, as well as the rationale they are relying on to deny coverage;
- Creating a meaningful reconsideration process for providers to appeal a MAC’s decision to the U.S. Department of Health and Human Services (HHS);
- Prohibiting MACs from simply adopting LCDs from other jurisdictions without first independently evaluating and considering the qualifying evidence supporting the determination for the specific geographic area; and
- Establishing an ombudsman to provide administrative and technical assistance in filing appeals.

RATIONALE

An LCD is a decision by a MAC whether to cover a particular Medicare item or service within its jurisdiction. These coverage decisions must be made by qualified health experts, with input from relevant specialists, through a transparent process that is based on sound medical evidence, which may include information provided by a professional medical society. Congress can ensure that medical and scientific evidence is not used selectively to deny appropriate coverage to Medicare beneficiaries. Reforms are necessary to ensure that LCDs do not impede a physician’s medical judgment and deny patients access to medically necessary care.

CONTACTS

HOUSE: To cosponsor H.R. 3635, please contact Baruch.Humble@mail.house.gov (Rep. Jenkins) or Alex.Eveland@mail.house.gov (Rep. Kind).

SENATE: To cosponsor S. 794, please contact William.Dent@isakson.seante.gov (Sen. Isakson) or Lynn.Sha@carper.senate.gov (Sen. Carper).