

The American College of Foot and Ankle Surgeons (ACFAS), representing 7,000 board-certified or board-qualified podiatric surgeons, SUPPORTS the deletion of 42 CFR 402.904(g) that would eliminate the exclusion of reporting indirect payments made to covered recipient physician speakers or attendees at some (but not all) accredited continuing medical education programs.

We applaud CMS's recognition that the current statute is discriminatory toward non-AACME accredited organizations and programs. All CME providers and programs, including those in podiatry, should be on a level playing field, provided they are accredited by organizations with substantially similar standards as AACME and prevent improper industry influence. Podiatric CME is accredited by such an organization: the Council on Podiatric Medical Education (CPME).

In addition, CMS believes the exclusion concept can be achieved by retaining 403.904(i)(1), which excludes indirect payments made at some (but not all) accredited events where industry is unaware of the identity of covered recipients. This may not be entirely practical since CME faculty and attendees become public knowledge via printed programs, attendance lists, etc. However, the intent of 403.904(i)(1) can easily be upheld if it is rewritten to clarify that the term unaware applies to covered faculty or attendees where industry: 1) does not pay the recipient directly, and 2) is not involved in the selection of speakers in any way.

Finally, CMS offered two alternatives to deleting 402.904(g): 1) Expanding the list of accredited organizations, or 2) specifying exact accreditation standards that would qualify for exemption. If CMS chooses Alternative 1, we strongly request the inclusion of CPME. Or, if CMS chooses Alternative 2, please ensure that all accrediting organizations that have standards comparable to AACME are recognized and treated equally, including CPME.

Sincerely,

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