

On behalf of the Memorial Hermann Health System, thank you for the opportunity to address concerns our system has related to the changes recently proposed in the Medicare Physician Fee Schedule for 2015 in which the Centers for Medicare and Medicaid Services (CMS) has proposed revoking the existing Sunshine Act exclusion for continuing medical education (CME).

As the largest, non-profit healthcare system in Southeast Texas, Memorial Hermann Health System provides the highest quality of care to hundreds of thousands of patients each year, and as one of the largest private sector employer in the greater Houston area, our system is engaged in CME/CE activities on a continual basis. Accredited and certified CME/CE activities are vital components of our health system and this education allows our healthcare teams to remain up-to-date with the latest in medical science and guarantee independence from commercial influence. By incorporating strong criteria that ensure that the education being provided to learners is based firmly in science, accredited CME/CE guarantees that any supporter bias - be it commercial or otherwise - is eliminated from the curriculum.

In CMS' February 2013 Final Rule on Sunshine Act implementation, your agency wisely created a bright line "CME exemption" that made it clear to physician participants that they could present at, and attend, accredited continuing education programs without risking the stigma and reputational impact that accompanies a listing in the Open Payments system. However, we are concerned that your recent proposal of July 3rd would instead eliminate the current CME "safe harbor" from reporting by redefining CME payments as "indirect payments" which may be reportable. We ask you to ensure that indirect commercial support for CME programs, where the accredited provider exercises complete discretion on the content, remain exempted from reporting under the Open Payments system.

It is vital to our patients that their healthcare providers remain well educated and informed on the latest medical science in their field, and therefore, we must encourage, rather than discourage, participation in continuing education. It is also vital to our physicians that they have clear rules that provide a safe harbor from Open Payments reporting when they participate in accredited CME. We urge CMS to appreciate the need to promote physician participation in CME rather than adopt policies that could diminish it.

Thank you for your attention to our system's concerns regarding this issue.

Respectfully,  
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Memorial Hermann Health System  
Director, CME