



MAR 1 1 2011

Administrator
Washington, DC 20201

The Honorable Michael C. Burgess, M.D.
House of Representatives
Washington, DC 20515

Dear Dr. Burgess:

Thank you for your letter regarding the requirement to have laboratory test requisitions signed by a physician or qualified non-physician practitioner. The Centers for Medicare & Medicaid Services (CMS) greatly appreciates your bringing these concerns to our attention.

In the November 29, 2010, Medicare Physician Fee Schedule final rule, CMS finalized its proposed policy to require the ordering physician's or qualified non-physician practitioner's (NPP) signature on requisitions for clinical diagnostic laboratory tests paid under the clinical laboratory fee schedule (CLFS) effective January 1, 2011. A requisition is the actual paperwork, such as a form, which is provided to a clinical diagnostic laboratory that identifies the test or tests to be performed for a patient.

Subsequent to the final rule, CMS issued a statement on its Web site expressing concern that some physicians, NPPs, and clinical diagnostic laboratories may not be aware of or understand this policy. As such, CMS stated that it would focus its efforts in the first quarter of 2011 on developing outreach materials to educate those physicians and suppliers affected by this policy. CMS stated that these materials would be posted on its Web site, as well as through other channels, to ensure that the information would be widely distributed. CMS also stated that, once the first quarter educational campaign is fully underway, we would expect requisitions to be signed.

In recent weeks, however, CMS has been asked to rescind the policy requiring a physician's or NPP's signature on requisitions for clinical diagnostic laboratory tests paid under the CLFS. CMS policy officials have publicly expressed their support for rescinding the requirement. We are currently researching whether a regulation rescinding the requirement could be published before April 1, 2011.

I appreciate your interest in this issue as we work towards our mutual goal of strengthening the Medicare program for all beneficiaries. I will also provide this response to the cosigners of your letter.

Sincerely,

Donald M. Berwick, M.D.