

September 13, 2022

Juan Schaening, MD
Executive Contractor Medical Director
First Coast Service Options
532 Riverside Ave
Jacksonville, FL 32202

RE: Local Coverage Article (LCA) titled Billing and Coding: Complex Drug Administration (A59074)

Dear Dr. Schaening,

The Florida Medical Association (FMA) recently passed *Resolution 22-404* by way of the House of Delegates gathering at our 2022 Annual Meeting in August. This resolution addressed several policy issues regarding the FCSO local coverage article (LCA) for complex drug administration (A59074). The FMA, including the Florida specialty providers associations that authored and supported this resolution, strongly oppose this LCA (A59074), and believe that it is not a simple correction in coding.

Recent conversations with leadership from the Centers for Medicare & Medicaid Services (CMS) by specialty physician association leaders in Florida and from around the country, including the American Medical Association (AMA), which passed its own resolution in support, have led to CMS recognizing that the drugs contained within LCA A59074 should be considered complex. This decision has recently been issued out to all Medicare Administrative Contractors (MACs).

WPS Government Health Administrators (WPS GHA) has confirmed this decision by issuing a retirement date (8/12/22) for their LCA titled Billing and Coding: Complex Drug Administration Coding A58544. We are asking FCSO to quickly follow the directions provided by CMS and issue a retirement to LCA A59074.

Furthermore, the FMA resolution states that Florida specialty physicians are deeply disappointed in the process used to establish this coverage policy by unilaterally issuing an LCA. This is not in the spirit of the transparency and increased stakeholder engagement intended by Congress in revising the LCD process by way of the 21st Century Cures Act, nor of CMS' improvements to the LCD process following stakeholder feedback to its Request for Information (RFI) in the CY 2018 Physician Fee Schedule.

We would also request that FCSO seriously consider the implications this has had on Contractor Advisory Committee (CAC) members and outside stakeholders in their ability to provide timely comments on these policy issues.

We appreciate your time in addressing our concerns outlined within this letter. Please do not hesitate to contact us, should you require additional information.