FROM THE EDITOR

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ACCC is the Premier Policy-Setting Organization for the Oncology Team!

A Tough Year for Oncology

by Lee E. Mortenson, D.P.A.

t gives me no pleasure to say this year looks just awful for oncology.

First, we have all oncology drugs being paid at less than actual cost in the hospital setting. And the newer

the drug, the more likely it is being paid at less than its actual cost. Thomas Scully, the administrator of the Centers for Medicare and Medicaid Services (CMS), seems to think that if he underpays hospitals, pharmaceutical companies will cut their costs. Then, Mr. Scully has a system that computes what he is going to pay hospitals using sin-

gleton claims rather than the monthly combined claims that hospitals are required to submit for oncology drug delivery. So, of course, the only claims that CMS is even looking at are the aberrant ones. Unfortunately, we can count on CMS continuing to incorrectly underpay on the basis of this bad data and methodology.

No matter how you cut it, paying less than cost for drugs is hurting hospitals, and a number of them are doing the predictable—they are beginning to limit or eliminate their cancer programs. Although Mr. Scully jawboned down the price of Zevalin[™] by refusing to pay for the drug for Medicare patients, he is still paying too little to hospitals that must decide if they want to give the drug at a loss. This grim situation is pretty much the same one facing every oncology drug on the market.

Interestingly, CMS is using the same strategy with coated stents, where CMS pays just half the cost. If hospitals want to pony up the difference just because these stents apparently work better, that's their problem. Naturally, we've now heard from several hospital administrators who are talking to cardiologists about closing their programs rather than face the liability of using an inferior product. Who could blame them? Clearly, oncology care provided in

the hospital setting does not look

very pretty for 2003. What's more, similar challenges are facing physician practices.

As you probably know, CMS summarily rejected ASCO's data. Oh, CMS did it very nicely, saying that it would "like to talk about it." Still, CMS made pointed remarks in the Dec. 31, 2002 Federal Register that ASCO's arguments for a different sample of oncologists

were weak and the data, which suggested that non-physician costs should increase by 300 percent and that clerical and nurse salaries were two to four times the national average, seemed a little off. Now CMS is suggesting that it may have found some of the problems with the ASCO data, but nothing is going to happen soon with regard to increasing practice expense reimbursement for medical oncologists.

What *is* happening right now is a \$100 million decrease in drug payments from Mr. Scully. Later this year he hopes to subtract another \$400 million from reimbursements for oncology drugs in the office setting, so this is just the beginning of the cuts.

Yes, ACCC is working with Congress to fix these problems, but it seems unlikely that anything is going to happen quickly given a few other headline-grabbing issues. Although I'd like to say that these oncology reimbursement issues will eventually be worked out, we've all seen "fix-it" legislation and regulations decimate other health care industries before they were corrected. **@**

