



The Colorado Health Foundation™

August 17, 2015

Department of Health and Human Services
Centers for Medicare and Medicaid Services

Re: Calendar Year (CY) 2016 Medicare Physician Fee Schedule (MPFS)

Dear Acting Administrator Slavitt:

The Colorado Health Foundation supports the reimbursement for Advance Care Planning Services provisions in the Centers for Medicare and Medicaid Services' (CMS) proposed rule for the Calendar Year 2016 Medicare Physician Fee Schedule. The Colorado Health Foundation is a nonprofit organization that engages through grantmaking, public policy, evaluation, private sector engagement, and communications outreach to ensure a future state where Colorado communities promote health and our health care systems deliver excellent, affordable care to Coloradans who both have and desire good health.

Research indicates that most Americans have a preference for where they would like to spend their final days and hours. Although the vast majority of people say they would prefer to die at home, approximately 70 percent die in an institution, where they are more likely to receive aggressive, invasive, highly painful and poorer-quality care than in a home setting.¹²³ Promoting the use of advance care planning is an important strategy for creating health care systems that better serve common individual and family goals, including:

- Increasing patients' participation in decisions regarding care, treatment, or services;
- Protecting patient choice regarding surrogate decision makers;
- Promoting communication among family members prior to a crisis;
- Creating complete patient records that reflect a patient's care, treatment, or service that is available across health care settings; and
- Ensuring end-of-life care aligns with informed preferences and values.

Advance care planning can be an effective tool for addressing the current misalignment between many individuals' and families' preferences and their experiences with the health care system. It has the potential to be a powerful mechanism for achieving Triple Aim goals. In *Advance Care Planning: Communicating About Matters of Life and Death*, Dr. Ben Lobo (an executive medical director in the United Kingdom), defined the "Triple Aim of Advance Care Planning" as:

1. Improved health outcomes for patients at the end of their lives in a defined community (including improved clinical decision making with safer and better access to services with more professional/organization accountability and transparency to the public);
2. Enhanced patient experience (the right care at the right time and place, avoiding harm); and
3. Reduced per capita cost of care supported by the financial alignment of payment systems to promote and deliver advance care planning.

¹ National Center for Health Statistics. Health, United States, 2010: Chartbook with special feature on death and dying. Hyattsville, MD. 2011.

² Grunier A, Mor V, Weitzen S, Truchil R, Teno J, Roy J. Where people die: A multilevel approach to understanding influences on site of death in America. *Med Care Res Rev* 64(4):351-78. 2007.

³ Teno JM, Clarridge BR, Casey V et al. Family perspectives on end-of-life care at the last place of care. *JAMA* 2004; 291:88-93.

CMS' proposed inclusion of reimbursements for describing advance care planning and offering providers' professional insight via CPT codes 99497 and 99498 in the 2016 Medicare Physician Fee Schedule will be a tremendous step in the right direction to expanding the use and benefit of advance care planning among Medicare clients. This shift will empower patients to ensure the services they receive align with their preferences and values, and we support this important change.

While we are encouraged by this proposal from CMS, we also recognize more work will need to be done to increase engagement of patients, families, and providers in advance care planning. The Colorado Health Foundation will thus be making complementary investments to ensure access to advance care planning for Coloradans as part of our strategy to empower individuals and families to manage their own health. In 2016 and 2017, the Foundation will award up to \$1.5 million in [grant funding](#) for education, engagement, systems work and quality improvement.

As the CMS prepares to take action on the proposed rules and Calendar Year 2016 Medicare Physician Fee Schedule, the Colorado Health Foundation urges you approve the expansion of Advance Care Planning Services reimbursement that reflects improved patient engagement and a respect for individual preferences.

Should you have any questions about our position on this issue, please contact Dustin Moyer, policy officer at the Colorado Health Foundation, at dmoyer@coloradohealth.org or 303.953.3600. Thank you for the opportunity to provide input.

Sincerely,

A handwritten signature in black ink that reads "Rahn K Porter". The signature is written in a cursive, flowing style.

Rahn Porter
Interim President and CEO
The Colorado Health Foundation