

AMERICAN ASSOCIATION OF
NEUROLOGICAL SURGEONS

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American
Association of
Neurological
Surgeons



Congress of
Neurological
Surgeons

CONGRESS OF
NEUROLOGICAL SURGEONS

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President
ANTHONY L. ASHER, MD
Charlotte, North Carolina

President
ELAD I. LEVY, MD
Buffalo, New York

May 30, 2023

The Honorable Michael Burgess
U.S. House of Representatives
2161 Rayburn House Office Building
Washington, DC 20515

The Honorable Ami Bera
U.S. House of Representatives
172 Cannon House Office Building
Washington, DC 20515

Subject: Protecting and Continuing Physician Education and Patient Care Act

Dear Representatives Burgess and Bera,

On behalf of the American Association of Neurological Surgeons (AANS) and the Congress of Neurological Surgeons (CNS), representing more than 4,500 practicing neurosurgeons in the United States, we are pleased to endorse your legislation, the Protecting and Continuing Physician Education and Patient Care Act, which would ensure that physicians have access to educational materials without undue regulatory and administrative burdens.

As you know, the Affordable Care Act incorporated provisions to promote transparency concerning payments and other financial transfers of value between physicians and the biomedical industry. However, the law outlines various exclusions from the reporting requirement, including “[e]ducational materials that directly benefit patients or are intended for patient use.”

Unfortunately, in its interpretation of the statute, the Centers for Medicare & Medicaid Services (CMS) concluded that medical textbooks, reprints of peer-reviewed scientific clinical journal articles and abstracts of these articles are not directly beneficial to patients, nor are they intended for patient use; thus, making them less accessible to physicians. This interpretation is inconsistent with the statutory language, congressional intent and the reality of clinical practice where patients benefit directly from improved physician medical knowledge.

The AANS and the CNS support your legislation because it would consider peer-reviewed journals, journal reprints, journal supplements, medical conference reports and medical textbooks as beneficial to patients and not subject to the CMS Open Payments Program’s reporting requirements — removing additional barriers to the dissemination of new medical knowledge that improves patient health outcomes.

We thank you for introducing the Sunshine Act of 2023, which will help ensure patients benefit from the most up-to-date and relevant medical knowledge. We look forward to working with you to advance this legislation. In the meantime, do not hesitate to contact us if you have any questions or need additional information on this or other health policy matters.

Sincerely,

Anthony L. Asher, MD, President
American Association of Neurological Surgeons

Elad I. Levy, MD, President
Congress of Neurological Surgeons

Reps. Burgess and Bera
AANS/CNS Endorsement of Sunshine Act of 2023
May 5, 2023
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