



**OUR ASK**

**Reform the Medicare LCD process to ensure that transparent, evidence-based coverage decisions are made by qualified health experts.**

**LEGISLATION**

Reform the Medicare local coverage determination (LCD) process to ensure that sound coverage policies are made by qualified health experts through a transparent process. By requiring Medicare Administrative Contractors (MACs) to increase transparency and balance evidence-based research with direct clinical input by qualified stakeholders, Congress can help ensure that coverage for medically necessary tests and services is available to Medicare beneficiaries.

**BACKGROUND**

Medicare coverage policy decisions are made nationally and locally. National coverage determinations (NCDs) are made by the Centers for Medicare & Medicaid Services (CMS), and they describe the circumstances under which Medicare will cover an item or service on a nationwide basis. LCDs are developed by MACs and describe whether, and under what circumstances, a particular item or service receives coverage within a MAC geographic jurisdiction.

As a result of contractor consolidations over the years, the existing MACs are responsible for larger jurisdictions, often with fewer opportunities for stakeholders to interact with the contractor medical directors who make local medical policies. In 2018 CMS released revisions to Medicare's Program Integrity Manual, which outlines the LCD process; however, despite these revisions, the process continues to lack consistency, transparency, and sufficient stakeholder involvement to ensure that coverage decisions are made in the best interests of patients.

Therefore, the following legislative reforms are necessary:

1. **Ensure appropriate stakeholder input:** It is critical to the coverage development process that there be thoughtful discussion and timely feedback from stakeholders who have unique insight into the nature of local practice and the needs of local patient populations. In the past, this insight was provided by Contractor Advisory Committee (CAC) members: health care professionals and other stakeholders who serve in an advisory capacity as representatives of their constituency. However, CAC meetings are now optional and restricted to "experts" who only "review evidence that will inform policy development." While we understand the interest in evolving the role of the CAC, this restriction to solely "review evidence" has resulted in a loss of the clinical knowledge that physician panel members—as experts who daily engage in patient care with various patient populations—uniquely bring to the local coverage process.
2. **Require timely completion of requests for new and existing LCDs:** The timely completion of requests for new LCDs or revisions to existing LCDs is crucial for ensuring that beneficiaries have access to necessary health care services and that policies remain current with advancements in medicine and technology.



3. **Open Meetings:** Meetings for new and revised LCDs should be convened in a timely manner, on the record, and open to the public, with minutes taken and posted to the MAC's website for public inspection. Requiring these increased levels of transparency is crucial for maintaining accurate records, promoting accountability, and ensuring effective local coverage decision-making.
4. **Final LCDs must be a logical outgrowth of proposed LCDs:** This is to ensure that the public has adequate notice and a meaningful opportunity to comment on proposed coverage policies.
5. **Establish a process for Agency review of reconsideration decisions:** This is a crucial step that will help safeguard against errors or misinterpretation of evidence used to support a coverage policy, and which will also ensure adherence to coverage regulations.

The CAP is asking Congress to introduce and pass legislation that incorporates the above policies to ensure that LCDs receive the input and oversight necessary to produce sound, accurate policies and timely access to care for Medicare patients.

**For More Information:** Contact Michael Hurlbut, Assistant Director of Legislation and Political Action, at 202-354-7112 or [mhurlbu@cap.org](mailto:mhurlbu@cap.org)