



JUN 11 2009

Roslyne D.W. Schulman
Senior Associate Director
American Hospital Association
Liberty Place, Suite 700
325 Seventh Street, NW
Washington, DC 20004-2802

Dear Ms. Schulman:

Thank you for your letters asking that the Centers for Medicare & Medicaid Services withdraw or delay the physician supervision policy for "incident to" services provided in the hospital outpatient department discussed in the calendar year (CY) 2009 outpatient prospective payment system (OPPS) final rule (*73 Federal Register 68702*, November 18, 2008).

As we stated in last year's final rule, this policy was a clarification of long-standing policy. While we understand that you disagree that we were only describing a clarification, any change to this policy would have to be adopted through notice and comment rulemaking. We will consider the points made in your letter as we develop the CY 2010 OPPS proposed rule.

I hope this information is helpful.

Sincerely,

A handwritten signature in black ink, appearing to read "Jonathan Blum".

Jonathan D. Blum
Director, Center for Medicare Management
Acting Director, Center for Drug and Health Plan Choice