

August 19, 2016

The Honorable John Barrasso
United State Senate
307 Dirksen Senate Office Building
Washington, DC 20002

Re: **Supporting - S.2978, The Protect Continuing Physician Education and Patient Care Act**

Dear Senator Barrasso:

The American Society of Plastic Surgeons (ASPS) would like to thank you for introducing S.2978, the Protect Continuing Physician Education and Patient Care Act. ASPS is the world's largest association of plastic surgeons. ASPS promotes not only the highest quality in patient care, but also in professional and ethical standards. Our over 7,000 members, representing 94 percent of Board-Certified Plastic Surgeons in the United States, are highly skilled surgeons who improve both the functional capacity and quality of life for patients, including treatment of congenital deformities, burn injuries, traumatic injuries, hand conditions, and cancer reconstruction. ASPS recognizes the importance of educating physicians on advances in patient care.

The Physician Payments Sunshine Act ("Sunshine Act") was enacted with the intent of promoting transparency surrounding transfers of financial value between physicians and the medical device and pharmaceutical industries. The originally enacted legislative language and congressional intent bear this out, and organized medicine largely supported this objective. The Sunshine Act included twelve exclusions from reporting requirements, and among these were educational materials that directly benefit or are used by patients.

These common sense statutory exceptions were then misconstrued in the rulemaking process as CMS concluded that medical textbooks, peer-reviewed journals, journal reprints and journal supplements did not offer direct benefit to patients. Additionally, CMS has given confusing, contradictory guidance on whether or not payments related to continuing medical education (CME) that meets standards for independence also needs to be reported. The materials listed in your bill and independent, accredited CME are critical avenues for rapid dissemination of the latest validated medical knowledge. Through these sources, the best clinical care is integrated into practice more quickly, and patients receive optimal treatment as a result. **Thank you for working to correct this mistake by introducing S.2978, clarifying that the aforementioned educational materials and other medical educational activities are exempt from reporting.**

Thank you for your consideration of these comments, and thank you for your commitment to improving physician education in the United States. Please do not hesitate to contact Patrick Hermes, Senior Manager of Advocacy and Government Affairs, with any questions – Phermes@plasticsurgery.org or (847) 228-3331.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Song", with a long horizontal flourish extending to the right.

David H. Song, MD, MBA, FACS
President, American Society of Plastic Surgeons