



October 4, 2024

Chiquita Brooks-LaSure  
Centers for Medicare and Medicaid Services  
U.S. Department of Health and Human Services  
200 Independence Ave SW  
Washington, DC 20001

Re: MAC Consolidation & Contract Award Period of Performance

Dear Administrator Brooks-LaSure:

On behalf of the American College of Physicians (ACP), I am pleased to share our comments on the Centers for Medicare and Medicaid Services (CMS) Request for Information (RFI) on MAC Consolidation and Contract Award Period of Performance. The College is the largest medical specialty organization and the second-largest physician group in the United States. ACP members include 161,000 internal medicine physicians, related subspecialists, and medical students. Internal medicine physicians are specialists who apply scientific knowledge and clinical expertise to the diagnosis, treatment, and compassionate care of adults across the spectrum from health to complex illness.

**General Comments on MAC Consolidation**

ACP is concerned about the proposed MAC consolidation from CMS to form Jurisdiction G and Jurisdiction Q. The consolidation process can burden physicians and negatively impact patient care. Consolidating and installing a new MAC for the jurisdiction creates new processes for enrollment, claims review, and appeals. There are also implications for clinical staffing. ACP strongly urges CMS to provide information about plans to increase staffing to support this transition or further details on the process. The MAC operating in this jurisdiction will have a higher share of claims and need adequate staffing to meet the demand. CMS must ensure there is an increase in staffing and training in the subject jurisdiction to ensure patient care is not disrupted.

Each MAC also operates differently, and inconsistencies and a lack of transparency can be confusing and burdensome for physicians. The College urges CMS to establish a consistent approach for MACs when requesting records, conducting a physician review, and denying claims. All MACs must adhere to CMS requirements for Local Coverage Determinations (LCD), including the notice and comment process. ACP remains committed to minimizing physician administrative burden, and the current proposed consolidation only exacerbates this. Physicians should focus their time on delivering high-quality care to patients, not processing paperwork.



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The College is also concerned that CMS does not specify why it proposes consolidating these jurisdictions. If it is for performance and quality reasons, CMS must take additional steps to guarantee that the newly awarded MAC will not have similar issues in the future.

Lastly, there are huge cybersecurity risks that come from consolidation. Earlier in September, a MAC suffered from a security vulnerability that led to a [data breach](#) that compromised protected health information and other personally identifiable information for nearly a million Medicare beneficiaries. Cybersecurity incidents like this are increasing, compromising protected information from patients and clinicians nationwide. Consolidation, or reducing the total number of MACs, increases the security risk because each MAC is responsible for a higher market share. A security breach of this nature can potentially impact even more Medicare beneficiaries. The College encourages CMS to implement more safeguards to protect patient's privacy and security.

### **Proposal to Extend MAC Contracts**

ACP requests clarification on the proposal to extend MAC contracts from seven to ten years. Currently, the contracts are awarded a base year with six optional years. If CMS extends these contracts from seven to ten years, the College requests that CMS continue utilizing the base year model with option years. ACP does not support an entire ten-year contract with no optional years. While we understand that more extended contracts promote innovation and efficiency, MACs must also be evaluated regularly, and these option years provide for this control. Contracts should not be renewed if they do not perform to a certain standard. We are concerned that with an outright ten-year contract, MACs will become complacent and not make a substantial effort to improve their operations. This would be burdensome for clinicians in that MAC's jurisdiction and would overall hurt performance and quality. ACP urges CMS to maintain the optional years when extending to ten-year MAC contracts.

Thank you for this opportunity to respond to CMS's RFI on MAC consolidation and contract award period. The College appreciates the opportunity to offer our feedback. We look forward to continuing to work with the agency to implement policies that support and improve the practice of internal medicine. Please contact Dejah Johnson, JD, MPA, Manager, Regulatory Affairs for the American College of Physicians, at [djohnson@acponline.org](mailto:djohnson@acponline.org) or (202) 261-4506 with comments or questions about the content of this letter.