



ISMA
INDIANA
STATE
MEDICAL
ASSOCIATION

VIA ELECTRONIC SUBMISSION AT WWW.REGULATIONS.GOV

December 3, 2010

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Donald Berwick, MD
Administrator
Centers for Medicare and Medicaid Services
Department of Health and Human Services

Re: Medicare Program; Request for Information Regarding Accountable Care Organizations and the Medicare Shared Savings Program; 75 *Fed. Reg.* 70,165 (November 17, 2010); CMS-1345-NC.

Dear Dr. Berwick:

The Indiana State Medical Association recently became aware of your November 17 Federal Register Notice requesting comments by December 3. Due to the short timeline, our Association was not able to consider and respond to your specific requests for information.

However, at our annual meeting in September this year, it is noteworthy that our physicians considered a resolution expressing concerns that hospitals will have a decided advantage in meeting ACO requirements and that this will create conflicts of interest when negotiating with independent physicians. As a result, at the direction of our Board of Trustees, earlier this week our organization sent a letter to the American Medical Association (AMA) asking the AMA to support legislation that mandates the boards of directors of each ACO consist of at least 50 percent physicians who own their own practice, and not physicians who are employed either directly or indirectly by any hospital system. Our Board of Trustees discussed this issue at length and recognized that the lack of independent practicing physicians may practically prevent this level of participation on ACO governing boards. However, various Board members spoke in support of the spirit and the intent of the resolution, which was to ensure that independent physicians have a significant and equitable role in ACO governance as they attempt to balance quality care and shared savings.

Additionally, our physicians have expressed many concerns about bundled payments and the equity in how those payments may be distributed. Again, our physicians have not had sufficient time to address this with specificity, but they have created a task force to study the impact of bundled payments on physicians once more information is available.

The Indiana State Medical Association appreciates the opportunity to comment on these issues.

Yours very truly,


Julie D. Reed
Legal Counsel

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advocating for the well-being of doctors and their patients.*