



April 8, 2013

Marilyn B. Tavenner  
Acting Administrator  
Centers for Medicare & Medicaid Services  
U.S. Department of Health and Human Services  
Hubert H. Humphrey Building  
200 Independence Ave., SW  
Washington, DC 20201

**Re: Medicare and Medicaid Programs; Part II—Regulatory Provisions to Promote Program Efficiency, Transparency, and Burden Reduction [CMS-3267-P]**

Dear Acting Administrator Tavenner:

On behalf of the 6,271 members of the American College of Osteopathic Surgeons (ACOS), and the 1,400 members of the American Osteopathic Academy of Orthopedics (AOAO), we appreciate the opportunity to provide comments on the proposed rule entitled *Part II—Regulatory Provisions to Promote Program Efficiency, Transparency, and Burden Reduction [CMS-3267-P]*.

We are aware of the letter submitted by the American Medical Association on this proposed rule, and we support their comments. We also support the proposal to require that each hospital have an organized and individual medical staff that is distinct to that hospital. In conjunction with the AMA, we strongly object to the CMS proposal to remove the current requirement that a medical staff member be included on the hospital governing body, and believe that this proposal could negatively affect patient health and safety. We concur with the points on these areas as detailed in the AMA's comment letter.

We also strongly support the position that the term "physician" should be limited to those with an MD or DO degree, and disagree with the proposal to expand the definition of "physician at §491.2 governing RHCs and FQHCs beyond MDs and DOs. We support that AMA's position as stated: "*By altering the definition of physician at §491.2, CMS is both extending the scope of practice for certain non-physician practitioners in RHCs and FQHCs, and eliminating the requirement for medical direction and oversight by MDs and DOs in these settings. RHCs and FQHCs should always be under the medical direction of MDs or DOs.*"

We appreciate the steps Centers for Medicare & Medicaid Services (CMS) have taken to date to identify and eliminate burdensome regulations, and look forward to continuing to work with CMS

and other specialty societies to reduce the regulatory burden on our members while ensuring the delivery of high quality care to Medicare and Medicaid beneficiaries.

Please do not hesitate to contact the ACOS Executive Director, Ms. Linda Ayers, at [layers@facos.org](mailto:layers@facos.org) or (703) 684-0416 or the AOA Executive Director, Dr. Lee Vander Lugt at [leevanderlugt@yahoo.com](mailto:leevanderlugt@yahoo.com) if you have any questions.

Sincerely,



Adam Smith, DO, FACOS  
President, ACOS



Lee Vander Lugt, DO  
Executive Director, AOA