

## **ASTRO Statement on New CMS Outpatient Supervision Policy**

*November 12, 2019*

On Friday, November 1, 2019 the Centers for Medicare and Medicaid Services (CMS) issued the 2020 Hospital Outpatient Prospective Payment System (HOPPS) [Final Rule](#) with a significant, detrimental change that reduces the supervision requirement for radiation therapy services. The final rule changes the current supervision policy for therapeutic services delivered in a hospital outpatient setting from either “direct or general” supervision to a blanket “general” supervision policy. This new policy does not impact freestanding facilities.

ASTRO sent a [letter](#) to CMS to oppose the proposed HOPPS supervision rule policy change and is disappointed that CMS chose to disregard ASTRO’s and patient groups’ specific concerns. We contend that reducing the supervision of a patient during therapeutic treatment could potentially endanger patients due to the irreversible nature of radiation treatment delivery.

Currently, Medicare requires radiation therapy services in an outpatient department to be performed under the provider’s direct supervision, meaning that the physician must be immediately available, physically present, interruptible and able to furnish assistance and direction throughout the performance of the procedure. Beginning in 2020, the physician’s presence and availability during treatment will not be required under the revised definition of general supervision. The policy change applies to outpatient therapeutic services only, as existing supervision requirements will still apply to diagnostic services.

### **ASTRO is opposed to this new policy affecting therapeutic services.**

According to the HOPPS final rule, the new general supervision policy does not prevent hospitals from adopting more stringent supervision policies for particular treatments. **It remains ASTRO’s position that a board-certified/board-eligible radiation oncologist is the clinically appropriate physician to supervise radiation treatments.**

ASTRO’s [Supervision Guidance white paper](#) provides comprehensive guidance regarding the application of CMS’ specific supervision policies as they pertain to various therapeutic, diagnostic and professional services performed in the hospital outpatient department. This white paper will soon be revised following the Agency’s decision to establish a general supervision requirement for therapeutic services.

The adoption of stricter supervision policies in an outpatient setting will give hospitals the chance to establish and define supervision policies for the delivery of radiation therapy to ensure the continued safe delivery of radiation therapy services.

As an example, [APEX Accreditation Standards](#) include requirements for staff roles and responsibilities, including supervision requirements associated with the delivery of specific modalities of treatment, as well as the following guidance on safe staffing plans:

*Standard 6: Safe Staffing Plan The radiation oncology practice establishes, measures and maintains staffing requirements for safe operations in clinical radiation therapy.*

*6.1 Staffing levels and requirements:*

*6.1.1 The ROP has documentation of staffing requirements for each professional discipline that is derived from measurable criteria.*

*6.1.2 The documentation specifies the number of each professional discipline required to be on-site, directly involved in patient care or available remotely during operating and non-operating hours.*

*6.1.3 Coverage requirements include a qualified RO to be on-call 24 hours a day and seven days a week to address patient needs and/or emergency treatments.*

*6.1.4 There is a documented plan for coverage during planned and unplanned absences of professional staff.*

*Safety is No Accident* provides guidance regarding certification requirements that ensure radiation oncologists, physicists and other members of the radiation oncology team are adequately trained and educated on the complexities of radiation treatment delivery. Additionally, it provides guidance on continuing education and maintenance of certification requirements that must be adhered to ensure continued delivery of high-quality care.

We urge radiation oncologists to work with their hospital administrators and compliance officials to adopt supervision policies specific to radiation therapy services that align with ASTRO's [APEX Accreditation Standards](#), [Safety is No Accident](#) and [Supervision Guidance](#) policies.

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