ASTRO Chairman Michael L. Steinberg, MD, FASTRO, reaffirms Society’s commitment to ending physician self-referral abuse

JAMA study reveals 12 to 21 percent increase in advanced radiation treatment for low-risk prostate cancer patients

Fairfax, Va., June 27, 2013 – A new study, “Use of Advanced Treatment Technologies Among Men at Low Risk of Dying from Prostate Cancer,” published Tuesday, June 25, 2013, in The Journal of the American Medical Association (JAMA), by Bruce L. Jacobs, MD, MPH, et al., analyzes treatment data for 55,947 prostate cancer patients (aged 66 years or older) in the Surveillance, Epidemiology and End Results (SEER)-Medicare database from 2004 to 2009. The study found that the use of advanced treatment technologies increased from 32 percent to 44 percent among men with low-risk prostate cancer, from 36 percent to 57 percent among men with high risk of non-cancer mortality, and from 13 percent to 24 percent among men unlikely to die from prostate cancer. In discussion, Dr. Jacobs, et al., raise several concerns about increased treatment: “aggressive direct-to-consumer marketing and incentives associated with fee-for-service payment may promote the use of advanced treatment technologies;” “more diligence is needed to reduce the potentially unnecessary treatment of men with a low risk of dying from prostate cancer;” and “more immediately, policy change may help curtail the excessive use of advanced treatment technologies among patients least likely to benefit.”

Michael L. Steinberg, MD, FASTRO, chairman of the American Society for Radiation Oncology’s (ASTRO) Board of Directors, states that Dr. Jacobs, et.al.’s study reaffirms the Society’s commitment to closing the self-referral loophole for radiation therapy within the Ethics in Patient Referrals Act, also
known as the self-referral law.

ASTRO supports the use of intensity modulated radiation therapy (IMRT) as an appropriate, effective treatment for prostate cancer patients, however, IMRT should be carefully considered along with other effective treatments and management options, including active surveillance, by patients and their doctors. Treatment decisions should not be based on the physician’s potential for profit, yet we believe profit-motivated IMRT overuse is rampant due to the proliferation of urology ownership of radiation therapy centers. The abuse of this expensive technology is allowed by a loophole in the federal physician self-referral law. We agree with Dr. Jacobs et. al.’s concerns that financial incentives may be negatively impacting treatment decisions, which we believe are compounded by ownership arrangements protected under the self-referral loophole.

ASTRO expects several independent studies will be published soon demonstrating that self-referral abuse in prostate cancer treatment, particularly among older men, is leading to unnecessary treatment, higher spending and inappropriate patient care. These new reports will add to the already significant body of evidence condemning self-referral abuse. In September 2012, a New England Journal of Medicine article authored by leading health policy experts called for closing the self-referral loophole for radiation therapy and other so-called “ancillary services.” In the same month, the GAO issued a scathing report on self-referral in advanced diagnostic imaging titled “Higher Use of Advance Imaging Services by Providers Who Self-Refer Costing Medicare Millions” (GAO-12-966). On November 6, 2012, Bloomberg News published an investigative report indicting self-referral by demonstrating the real-world impact on patients’ lives, which received in-depth follow-up by the local newspaper, the Monterey County Herald.

Cumulatively, all of these studies demonstrate that self-referral abuse drives overutilization of expensive technologies. Recently, several bipartisan groups, including the Bipartisan Policy Center and the Simpson-Bowles Moment of Truth project, as well as President Obama in his FY 2014 budget proposal, generally have endorsed ASTRO’s recommended policy change to close the self-referral loophole. ASTRO agrees and urges Congress to act this year.

“All evidence confirms that the self-referral loophole must be closed to protect every patient and
to preserve the Medicare program,” said Dr. Steinberg. “This loophole endangers patients and erodes their trust in us as physicians. In addition, self-referral abuse wastes our nation’s already stretched financial resources.”

ASTRO is a partner in the Alliance for Integrity in Medicare (AIM), a broad coalition of medical societies committed to ending the practice of inappropriate physician self-referral and focused on improving patient care and preserving valuable Medicare resources. In addition to ASTRO, AIM partners include the American Clinical Laboratory Association, the American College of Radiology, the American Physical Therapy Association, the American Society for Clinical Pathology, the Association for Quality Imaging, the College of American Pathologists and the Radiology Business Management Association.

ABOUT ASTRO

ASTRO is the premier radiation oncology society in the world, with more than 10,000 members who are physicians, nurses, biologist, physicists, radiation therapists, dosimetrists and other health care professionals that specialize in treating patients with radiation therapies. As the leading organization in radiation oncology, the Society is dedicated to improving patient care through professional education and training, support for clinical practice and health policy standards, advancement of science and research, and advocacy. ASTRO publishes two medical journals, International Journal of Radiation Oncology • Biology • Physics (www.redjournal.org) and Practical Radiation Oncology (www.practicalradonc.org); developed and maintains an extensive patient website, www.rtanswers.org; and created the Radiation Oncology Institute (www.roinstitute.org), a non-profit foundation to support research and education efforts around the world that enhance and confirm the critical role of radiation therapy in improving cancer treatment. To learn more about ASTRO, visit www.astro.org.

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