



September 8, 2023

VIA Electronic Submission to www.regulations.gov

The Honorable Chiquita Brooks-LaSure
Administrator
Centers for Medicare & Medicaid Services
Department of Health and Human Services
7500 Security Boulevard
Baltimore, MD 21244-1850

RE: [CMS-1786-P] Hospital Outpatient Prospective Payment and Ambulatory Surgical Center Payment Systems; Quality Reporting Programs; Payment for Intensive Outpatient Services in Rural Health Clinics, Federally Qualified Health Centers, and Opioid Treatment Programs; Hospital Price Transparency; Changes to Community Mental Health Centers Conditions of Participation, Proposed Changes to the Inpatient Prospective Payment System Medicare Code Editor; Rural Emergency Hospital Conditions of Participation Technical Correction

Dear Administrator Brooks-LaSure:

On behalf of the National Association for Proton Therapy (“NAPT”), we are pleased to submit comments to the Centers for Medicare & Medicaid Services (“CMS”) in response to the CY 2024 Hospital Outpatient Prospective Payment (“OPPS”) proposed rule.

NAPT is a nonprofit organization of world-renowned cancer centers, a number of whom are National Cancer Institute (NCI) designated comprehensive cancer centers and National Comprehensive Care Network (NCCN) members.¹ NAPT’s mission is to work collaboratively to: (i) educate and raise awareness of the clinical benefits of proton therapy among patients, providers, payers, policymakers, and other stakeholders, (ii) ensure patient choice and access to affordable proton therapy, and (iii) encourage cooperative research and innovation to advance the appropriate and cost-effective utilization of proton therapy for certain cancers.

In this proposed rule, CMS proposes to establish outpatient payment rates for services reported under 229 dental codes. Historically, payment for “dental services”² under Medicare Part A or Part B had been generally excluded. However, in 2023, CMS began to allow payment for a subset of dental services that are inextricably linked to, and substantially related and integral to, the clinical success of other covered medical services. This recent policy change allows payment for certain dental services performed in outpatient settings when OPPS coverage and payment conditions are met. For CY 2024, CMS proposes to pay for certain dental services inextricably linked to Medicare-covered services for the treatment of head and neck cancers. As providers who treat patients with head and neck cancers, we understand the importance of this policy change and commend CMS for establishing payment

¹ Listing of members can be found on the NAPT website, please visit: <http://www.proton-therapy.org>.

² Dental services are defined as services in connection with the care, treatment, filling, removal, or replacement of teeth or structures directly supporting teeth.



The National Association
for Proton Therapy

rates for dental services linked to the treatment of head and neck cancers. We urge CMS to finalize this policy as proposed with one modification – not limiting the dental services to those patients specifically with head and neck cancers but rather any type of cancer that anatomically impacts the patient’s head or neck.

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We appreciate the opportunity to submit comments in response to the Proposed Rule. Please contact Jennifer Maggiore at jennifer@proton-therapy.org if you have any questions or need additional information.

Sincerely,

Jennifer Maggiore
Executive Director, NAPT