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ASPS ISSUE BRIEF

Medicare Private Contracting

Giving Medicare Beneficiaries the Right to Choose Their Doctor

Background

The private contracting law currently in place for Medicare beneficiaries and physicians is flawed. It mandates that a physician “opts-out” of Medicare for all patients for two years if he or she engages in private contracting with any beneficiaries for Medicare covered items and services. This severely limits the number of physicians available to Medicare beneficiaries, which is highly problematic for patients who need to see a specialist or live in rural communities.

Additionally, Medicare penalizes the patient for entering into a private contract by forcing them to pay out-of-pocket for otherwise covered Medicare services. This is a harsh penalty for patients who are simply in search of the best care available, especially because those patients have made considerable contributions to ensure access to Medicare services.

The Solution

Stop limiting Medicare patients’ right to choose their own doctor, and stop rewarding their years of supporting Medicare through taxes by exposing them to the full cost of privately-contracted services. Remove the two year ban from Medicare for physicians who privately contract, and allow patients who privately contract to recoup the amount Medicare would otherwise pay for the service.

Congressional Request

Cosponsor and pass the *Medicare Patient Empowerment Act of 2015* (H.R.1650/ S.1849) and preserve Medicare beneficiaries’ rights, protect the physician-patient relationship and improve beneficiary choice.