Congress of the United States

Washington, DC 20510

February 27, 2014

The Honorable Chuck Hagel
Secretary of Defense
1000 Defense Pentagon
Washington, DC 20301-1000

Dear Secretary Hagel,

We write to express our significant concerns regarding TRICARE's change in reimbursement policy to exclude certain Molecular Pathology Laboratory (MoPath) tests and other Laboratory Developed Tests (LDTs) from coverage and reimbursement for some TRICARE beneficiaries. TRICARE finalized this change in reimbursement policy for LDTs January 1, 2013, after which time they were assigned new Current Procedural Terminology (CPT) codes. LDTs provide useful information for clinical decision-making to help physicians determine the best course of treatment for their patients.

On January 1, 2013, TRICARE placed several MoPath tests on the No Government Pay Procedure Code List (NGPPCL) and discontinued reimbursement for these LDTs for TRICARE patients. We are concerned that this policy change was not appropriately communicated to TRICARE beneficiaries or medical providers as DoD policy requires. The LDTs that were placed on the NGPPCL include MoPath tests frequently used to test for diseases or conditions, including those that may develop during a pregnancy (Cystic Fibrosis, Fragile X syndrome, and spinal muscular atrophy).

According to TRICARE, which is under the Defense Health Agency (DHA), certain LDTs may still be covered for TRICARE beneficiaries who use a Military Treatment Facility (MTF). In most cases, those same LDTs will no longer be covered for TRICARE beneficiaries who do not have access to a MTF and who use a civilian medical provider. We are concerned that TRICARE's decision will jeopardize patient access to LDTs and ultimately creates two levels of care within the military health system and the TRICARE network: one that discriminates against beneficiaries with limited access or those unable to access a MTF.

We are concerned that TRICARE's refusal of coverage and reimbursement for certain LDTs outside of a MTF denies military families and patients access to care simply because they either choose to receive care at a civilian medical provider or are unable to access a MTF. Additionally, it is concerning that TRICARE arbitrarily changed a reimbursement policy which

negatively impacts a significant population of patients and military families. It is our understanding that MoPath tests and other LDTs are considered standard of care for many medical specialty organizations. In order to better understand TRICARE's justification for this change in reimbursement policy we respectfully request responses to the following questions no later than March 14, 2014:

1. What are TRICARE's policies for providing a notification and public comment period for reimbursement policy changes impacting beneficiaries and the policies allowing for public and stakeholder comment to any such policy change? Please explain in detail which if any of these policies and procedures were applied with respect to the change in TRICARE's reimbursement policy for certain MoPath tests and other LDTs.
2. What stakeholder input and feedback did TRICARE consider, including from TRICARE patients and providers, to fully inform the reimbursement and coverage policy change made by your Department, including how this decision will affect patient access to care?
3. What is TRICARE's justification for denying coverage for LDTs for patients who receive care outside of a MTF, but continuing coverage and reimbursement for LDTs provided for patients who receive care within a MTF?
4. Does TRICARE have an appeals process for services that a physician determines are medically necessary for a specific patient, but are not covered under current TRICARE policy? If so, please provide detailed information.

Thank you for your prompt attention to this matter.

Sincerely,

Richard Burr
United States Senator

Kay Hagan
United States Senator

James Inhofe
United States Senator

Barbara Mikulski
United States Senator

Saxby Chambliss
United States Senator

Kirsten Gillibrand
United States Senator

Bill Nelson
United States Senator

Roger Wicker
United States Senator

Joe Manchin
United States Senator

Johnny Isakson
United States Senator

Kelly Ayotte
United States Senator

Dianne Feinstein
United States Senator

Mark Warner
United States Senator

Amy Klobuchar
United States Senator

Benjamin Cardin
United States Senator

Charles E. Schumer
United States Senator

Tim Kaine
United State Senator

Mary Landrieu
United States Senator

Barbara Boxer
United States Senator

David Vitter
United States Senator

Walter B. Jones
United States Representative

David Price
United States Representative

G.K. Butterfield
United States Representative

Mike McIntyre
United States Representative

Julia Brownley
United States Representative

Doris Matsui
United States Representative

Mike Coffmann
United States Representative

Michael Burgess
United States Representative

Terri Sewell
United States Representative

Renee Ellmers
United States Representative

Howard Coble
United States Representative

Richard Hanna
United States Representative

Lois Capps
United States Representative

Hank Johnson
United States Representative

James McGovern
United States Representative

Tammy Duckworth
United States Representative

Tom Marino
United States Representative

Shelley Moore Capito
United States Representative

Richard Nugent
United States Representative

Mark Meadows
United States Representative

Bill Pascrell Jr.
Bill Pascrell
United States Representative

Leonard Lance
United States Representative

Cheri Bustos
United States Representative

Jim Matheson
United States Representative

Roy Blunt
United States Senator

David B. McKinley
United States Representative

Patrick Meehan
United States Representative

Rob Bishop
United States Representative

Marsha Blackburn
United States Representative

George Holding
United States Representative

Chris Collins
United States Representative