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A.C.C.M.E.

Murray Kopelow, MD, MSC, FRCPC  
Chief Executive  
Accreditation Council for Continuing Medical Education  
545 North State Street, Suite 2150  
Chicago, IL 60610-4377

Dear Dr. Kopelow:

Dr. McClellan asked that I respond to your letter to him about continuing medical education (CME) provided by a hospital or an academic medical center to physicians. I apologize for the delay in responding. Your letter had been considered a late public comment on the March 26, 2004 physician self-referral interim final rule with comment. Generally, we respond to public comments in Federal Register documents without responding directly to the commenter.

You have asked that we not consider CME provided by a hospital or academic medical center to physicians as remuneration subject to the physician self-referral prohibition. You stated that CME is important in improving patient care and is a critical component of the process of maintaining physician competence and licensure.

After careful review, do not think that a broad exception to exclude CME is consistent with our statutory mandate to create by regulation only those exceptions that pose no risk of program or patient abuse. In our view, CME provided at no or reduced cost – particularly CME offsite from the hospital – may pose a risk of program abuse.

We agree, however, that traditional, on-site hospital grand rounds and other similar in-house education programs provided by hospitals and academic medical centers are important and convenient ways for physicians to earn CME credit and for hospitals to ensure high quality patient care. We do not believe that such programs, which historically have been provided on-site at no charge, necessarily constitute remuneration to the physicians who attend them. We are currently preparing a final rule in response to the interim final rule we published in 2004 (69 *Federal Register* 16054 (March 26, 2004)). We expect to address public comments on this issue in the upcoming final rule.

We appreciate your thoughts on this issue. Thank you for your continued interest in the Medicare Program. I hope you find this information helpful.

Sincerely

Herb B. Kuhn

Director

Center for Medicare Management