

May 13, 2024

The Honorable Patty Murray  
Senate Appropriations Chairwoman  
U.S. Senate  
Washington, DC 20510

The Honorable Susan Collins  
Senate Appropriations Vice Chair  
U.S. Senate  
Washington, DC 20510

The Honorable Kay Granger  
House Appropriations Chairwoman  
U.S. House of Representatives  
Washington, DC 20515

The Honorable Rosa DeLauro  
House Appropriations Ranking Member  
U.S. House of Representatives  
Washington, DC 20515

Dear Senators Murray and Collins and Congresswomen Granger and DeLauro:

On behalf of the patients and patient advocates we represent, we are writing to request that you encourage the Centers for Medicare and Medicaid Services (CMS) to publish, via its annual rulemaking process, a formalized payment pathway for Artificial Intelligence (AI) and Machine Learning (ML) in FDA-regulated medical devices, otherwise known as Algorithm-Based Healthcare Services, in the agency's 2025 Hospital Outpatient Prospective Payment Systems rule.

As AI continues to impact various sectors of our lives, its promise to improve patient care is undeniable. In radiology, AI is being used effectively to help doctors and other healthcare professionals swiftly read and interpret images, aid in detecting illness and abnormalities, and analyze information to make a more informed diagnosis. From helping a physician detect polyps in a colonoscopy to prioritizing a scan showing a doctor that a patient needs an emergency intervention, AI in medical imaging benefits patients.

While some FDA cleared or approved AI applications are now part of the standard of care for many conditions, the CMS has only assigned payment for less than ten AI applications compared to the 600 plus AI-enabled medical devices that FDA has approved or cleared.

As physicians look to integrate FDA cleared or approved AI tools into care pathways, it is essential that these technological benefits reach all patients, regardless of their location or socioeconomic status. We cannot afford to exacerbate existing healthcare disparities by restricting access to cutting-edge AI-enabled medical devices only to those who can pay out-of-pocket. However, Medicare can help to address this issue and recognize the value AI brings to patient care by appropriately reimbursing physicians who use FDA cleared or approved AI tools.

We urge you and your colleagues to work with CMS to establish a formalized payment pathway for AI healthcare services. Thank you for your attention to this critical issue and we look forward to working with you to address these concerns and ensure a brighter, healthier future for all Americans.

Sincerely,

Avery's Hope  
Center for Medicine in the Public Interest

Cervivor  
Free2Care  
Lupus and Allied Diseases Association  
One Cancer Place  
Patients Rising  
Practicing Physicians of America  
Retire Safe  
Right Scan Right Time  
Stronger Than Sarcoidosis  
Support for People with Oral Head and Neck Cancer  
Survivors for Solutions  
SYNGAP1 Foundation  
ZERO Prostate Cancer

CC: Members of the Senate Finance Committee, House Energy & Commerce Committee, House Ways & Means Committee, Senate Bipartisan AI Caucus, House Bipartisan AI Task Force