

Congress of the United States
Washington, DC 20515

October 15, 2026

Dr. Mehmet Oz
Administrator
Centers for Medicare & Medicaid Services
200 Independence Avenue, SW
Washington, DC 20201

Mr. Russell Vought
Director
Office of Management and Budget
725 17th Street, NW
Washington, DC 20503

Re: Surgical Pathology Services in the CY 2027 Medicare Physician Fee Schedule Proposed Rule (CMS-1848-P)

Dear Administrator Oz and Director Vought:

We write to bring your attention to a request for public comment included in the Centers for Medicare & Medicaid Services (CMS) Notice of Proposed Rule Making on the revisions to Medicare payment policies under the Medicare Physician Fee Schedule (PFS) for 2027, published in the July 16, 2026, Federal Register (Vol. 91, No. 135 FR, pages 43842-44557). Within this proposed ruling, CMS seeks comment on whether it should revise the values of critical diagnostic surgical pathology services for 2027 or in future rulemaking based on one submission received through the agency's misvalued code initiative.

This proposal impacts critical diagnostic surgical pathology services provided by pathologists to 1) diagnose and screen for cancer of the breast, lung, colon, prostate, skin and other body sites; 2) diagnose inflammatory disorders of the gastrointestinal tract like esophagitis, gastritis and colitis; and 3) diagnose any number of less common diseases like sarcomas, leukemia, lymphoma and organ transplant rejection among others. These diagnostic surgical pathology services are critical for effective, timely patient care. **Therefore, we urge CMS not to take unilateral action on the surgical pathology code family for CY 2027. Instead, we ask that CMS follow its established rulemaking process, which includes seeking meaningful input from interested parties, including pathologists and patients, reviewing medical literature, assessing intensity of the services, and analyzing Medicare claims data.**

We understand and appreciate that under CMS's potentially misvalued code initiative, interested parties may submit requests for code review and, in response, CMS may request public comment on the issue. However, we urge CMS not to make changes for CY 2027 based on one analysis which reflects a limited subset of services and overlooks many key aspects of how pathologists practice medicine and deliver diagnostic services to patients. As such, it is our view that examination of these services should follow CMS's established process, which considers all aspects of patient care and includes meaningful stakeholder input. It should not be based on the request of one submission in which analysis does not incorporate feedback from the pathologists themselves, who provide and perform these crucial patient diagnostic services, or reflect the clinical realities of the services pathologists provide.

Broad changes based on a single analysis would affect the full range of diagnostic services pathologists provide to patients, including diagnosing breast, lung and colon malignancies, leukemia and lymphoma. To that end, changes to valuation of services essential to diagnosing diseases, from cancers to heart disease, require rigorous, clinically informed evaluation; changes based on a single analysis that do not reflect the diagnostic time, intensity, and complexity of these surgical pathology services will compromise access to timely and accurate diagnoses, with profound consequences for patient care and outcomes. **Therefore, we ask that CMS not make any unilateral changes to the values for these crucial diagnostic services in the agency's final 2027 Medicare Physician Fee Schedule.** Thank you for considering our view.

Sincerely,



Rich McCormick, MD, MBA
Member of Congress



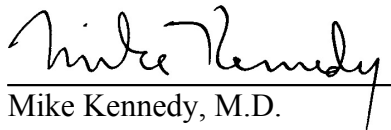
Raul Ruiz, M.D.
Member of Congress



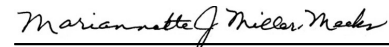
Andy Harris, M.D.
Member of Congress



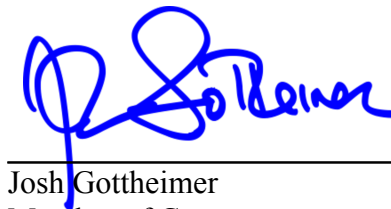
Earl L. "Buddy" Carter
Member of Congress



Mike Kennedy, M.D.
Member of Congress



Mariannette J. Miller-Meeks,
M.D.
Member of Congress



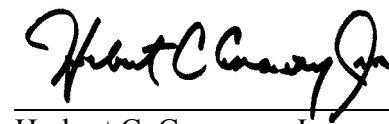
Josh Gottheimer
Member of Congress



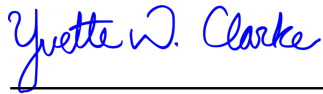
Joe Wilson
Member of Congress



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