

March 1, 2024

The Honorable Chiquita Brooks-LaSure
Administrator
Centers for Medicare and Medicaid Services
200 Independence Avenue, SW
Washington, DC 20201

RE: CY2025 Advance Notice of Methodological Changes for Medicare Advantage (MA) Capitation Rates and Part C and Part D Payment Policies

Dear Administrator Brooks La-Sure:

Thank you for the opportunity to provide comments in response to the recently proposed Calendar Year (CY) 2025 Advance Notice. We appreciate CMS' continued work to strengthen the Medicare Advantage (MA) program and applaud the agency for providing a degree of policy stability in this proposal. At the same time, the agilon health Physician Network writes to share our concern over the potential downstream impact the proposal could have on patients and providers.

[About the agilon health Physician Network](#)

The agilon health Physician Network is comprised of 2,400+ primary care physicians providing care for nearly 650,000 Medicare patients in 30+ rural and urban communities across 13 states. Our network includes independent primary care physician practices, multi-specialty practices, practice associations, hospital physician groups, and hospital systems.

We believe our nation's fee-for service (FFS) healthcare system is broken, and that fixing it is a social and moral imperative. Individually and as a Network, we are deeply committed to delivering patient-centered care resulting in better outcomes and a more satisfying experience for patients and providers. We believe that value-based care is the best path to achieving these goals. That's why, together with agilon health, we have invested in a Total Care Model that puts our partnership at 100% upside/downside risk (full-risk) for the total cost and quality of care for our entire Medicare population across Medicare Advantage (MA) and the ACO REACH Model. We also participate in the highest risk track of the Medicare Shared Savings Program (MSSP).

In 2022, our Network collectively achieved a 99.8% quality score and returned \$24 million in savings to the Medicare Trust Fund through our participation in ACO REACH. In 2023, through our full-risk, shared savings agreements with Medicare Advantage plans and in combination with shared savings realized through REACH, our Network reinvested \$200+ million into local primary care within the communities we serve. Since 2018, we've reinvested more than \$600 million in total. These figures collectively demonstrate our commitment to improving quality, bending the cost curve, and sustaining the primary care profession.

Comments and Recommendations

Our Network's concerns regarding the Advance Notice center on our desire for all our Medicare patients, including those in Medicare Advantage, to maintain access to high-quality care at a reasonable cost. We are concerned that the proposals in the Advance Notice amount to significant, downward cost pressures on the program at a time when utilization and medical costs have risen to unpredictably high levels. As MA plans adjust to absorb higher costs and potentially declining benchmark rates, those downstream – patients and providers – will likely feel the greatest impact.

Many providers in our Network own, operate and practice in independent primary care practices. They have dedicated their life's work to caring for members of their own community; in many cases, people they have known and cared for across decades. Yet, independent primary care practices are increasingly rare as health workforce shortages plague our system and trends toward consolidation continue to accelerate. These practices are especially vulnerable to instability in Medicare payment programs.

Nevertheless, each of our Network partners has taken the leap into full-risk accountable care. As you know, accountable care is associated with lower costs to patients and the health care system as well as better coordinated, higher quality care. In accountable care relationships like ours, our most vulnerable patients are prioritized and closely managed to ensure their health is protected. We provide them with wrap-around care which can include house calls, addressing social determinants, and including family care givers in care plans. Moreover, we are enabled to coordinate the right care, at the right time, in the right setting which protects our patients from unnecessary and expensive care that does not improve their health.

For providers like those in our Network who are committed to accountable care and have, as a demonstration of that commitment, taken full risk from MA plans, the chief enabler for success in realizing the promise and value of accountable care is **predictability**. Predictability allows us the confidence to engage in total cost of care risk and make significant investments in care transformation and innovation to better care for our patients. These investments include clinical processes and programs to address priorities such as health equity, health-related social needs, disease prevention, chronic disease management and end-of-life care.

We are concerned that the CY2025 Advance Notice would destabilize the ecosystem that our Network depends on to effectuate CMS' accountable care goals across MA and FFS accountable care models and erode the predictability necessary for them to flourish. If finalized as proposed, we believe MA plans will shift toward pricing and benefit structures that negatively impact patients and providers. Specifically, a perceived flat or slightly negative growth rate for the program (when accounting for STARS and HCC V28 impacts) during a period of unexpectedly high Medicare utilization, coupled with significant changes to the Part D benefit and risk model under the Inflation Reduction Act (IRA), could result in benefit cuts, premium increases and unfavorable payment agreements for providers. Providers and patients have far fewer levers to absorb these potential downstream impacts of the proposal.

As CMS contemplates the Final Rate Notice, we **urge you to take a thoughtful, measured approach that considers the real-world implications and potential unintended consequences of the many recent changes to the MA program.** The sheer number, complexity and pace of changes being made to the MA program, often without adequate time for the industry to adjust and fully understand their impact, is having a destabilizing effect on the program and its participants.

Conclusion

The agilon health Physician Network remains steadfast in its commitment to driving value and improved outcomes through full-risk, accountable care across Medicare programs. We believe we are among the vanguard of providers advancing primary care-led accountable care models, in partnership with CMS, and acknowledge the importance of a strong and stable Medicare Advantage program. Thank you for considering our comments in response to the proposed CY2025 Advance Notice. We stand ready as a resource as you work to prepare final policies. If any questions arise, please do not hesitate to contact Claire Mulhearn, Chief Communications & Public Affairs Officer, at Claire.Mulhearn@agilonhealth.com or Katie Boyer, Director of Policy & Government Affairs, at Katie.Boyer@agilonhealth.com.

Sincerely,

Anas Daghestani, MD

President & Chief Executive Officer
Austin Regional Clinic

Victoria DiGennaro, DO

President & Family Physician
Pioneer Physician Network
Founding Member, agilon health Women
Physicians Leadership Council

Frank Civitarese, DO

President
Preferred Primary Care Physicians, Inc.

Brady Steineck, MD, MBA

President & CEO
Community Health Care, Inc.

Benjamin Williard, CPA, MBA

Chief Executive Officer & Chief Financial
Officer
Family Practice Center, PC

Michael W. Morris, MD

Vice-President
Diagnostic Clinic of Longview

Stephen R. Buksh, MD

Vice President and Practicing Internist
Catalyst Physicians Group

Robert L. Stone, MD

Chief Medical Officer
Central Ohio Primary Care Physicians

Wendy Rissinger, MD

Medical Director
Family Practice Center, PC

Todd Lisy, MD

Vice President & Medical Director
Pioneer Physicians Network

Joseph Moran, MD

Chairman, Primary Care Medical Director
Piedmont Health Care

Liam Fry, MD

Chief Medical Officer
Austin Geriatric Specialists, PLLC
Founding Member, agilon health Women
Physicians Leadership Council

Michael J. Williams, MD

President & CEO
United Physicians

Kevin Spencer, MD

Chief Clinical Officer
agilon health

Mitchell Brodey, MD

President & Chief Executive Officer
FamilyCare Medical Group, P.C.

James M. Caskey, MD

East Texas Family Medicine

Kevin Nelson, MD

President
Richfield Medical Group

Kurt Lindberg, MD

President & Medical Director
Holland Physician/Hospital Organization

Patrick D. Goggin, MD, FACP

Medical Director
Physicians Group of Southeastern Ohio
Senior Health Connect

Mai Yousef, M.D

Preferred Primary Care Physicians, INC
Member, agilon health Women Physician
Leadership Council

Michael J. App, MD, MPH

Internal Medicine and Pediatrics of West
Michigan
President, Answer Health Physician
Organization

Brandon Enfinger

Chief Executive Officer
Pinehurst Medical Clinic, Inc

Jennifer Szurgot, MD

Medical Director
Pinehurst Medical Clinic, Inc

Peter Christensen, DO, FAAFM, DABFM

Holland Hospital Medical Group
Site Lead, Family Medicine South Washington
Associate Medical Director, Holland PHO

Jan Froehlich, MD

President
PriMED Physicians

Amanda K Williams, DO, CMD

Medical Director
Physicians Group of Southeastern Ohio
Founding Member, agilon health Women
Physicians Leadership Council

Justin Golden, MD

Partner and Co-owner
Richfield Medical Group

Emily Nabors, MD, FAAFP

Board of Directors
Piedmont Health Care

Gurneet Kohli, MD

Chief Medical Officer
Premier Family Physicians, PLLC

Craig T. Kopecky, MD

Lakeway Clinic Chief
Premier Family Physicians

Gary Pinta, MD

President, Ohio Independent Collaborative
Vice President, Pioneer Physicians Network

Thomas Janda, JD, MBA

Chief Operating Officer
Answer Health Physician Organization

Stephen J. Behnke, MD

Chief Executive Officer
Lexington Clinic

David E. Born, MD

Pod Leader
Central Ohio Primary Care

Terry R. Cunningham, DBA, MHA

Chief Executive Officer
Palmetto Primary Care Physicians, LLC

Christopher Crow, MD

Chief Executive Officer & Co-Founder
Catalyst Health Group
Anupreet Kaur, MD
Central Ohio Primary Care

Diane L. Pleiman, MBA, FACHE

President & CEO
Premier Physician Network
Premier Health

David Lieuwen, MD

Grand Valley Medical Specialists
Answer Health

Henry Naddaf, MD

President and Board Chairman
Toledo Clinic

Lissa C. Lara

Chief Executive Officer
Liberty Doctors, LLC

C. Shane Hall, MD

Site Lead & Board of Directors
Village Health Partners

Kristin Oaks, MD

Medical Director
Central Ohio Primary Care Physicians
Founding Member, agilon health Women
Physicians Leadership Council

Pamela Zelasko, MD

Medical Director
Answer Health

Richard Cook II, MD

Board Member, Associate Medical Director
Preferred Primary Care Physicians, Inc.

Cynthia M. Frane, MD

Entira Family Clinics – Shoreview
Site Medical Director

Donald Deep, MD

Chief Executive Officer
Central Ohio Primary Care Physicians

Kristen Pfau, MD

Board of Directors
Family Care Medical Group

John Millett, MD, MBA

Executive Board Member and Associate
Medical Director
Answer Health

Robert M. Clark, DO

Center for Primary Care Physicians

Matthew Skomorowski, MD

Central Ohio Primary Care Physicians

Mark C. Dawson, MD

Premier Family Physicians

Sarit Patel, MDMedical Director
Starling Physicians**Mark H. Allen**Chief Executive Officer
The Jackson Clinic**Diane Slon**Executive Vice President, Chief Operating
Officer
United Physicians, Inc.**H. Lawson Kile, MD**

Collom & Carney Clinic Association

Bobby Maynor, MD

Pinehurst Medical Clinic

Bert Ratay, MDCEO
Diagnostic Clinic of Longview**James DomDera, MD, FAAFP**Vice President, Professional Standards and
Governance
Pioneer Physicians Network**Jerry P. Roy, MD**Board President
Graves-Gilbert Clinic**Tim Hernandez, MD**Chief Executive Officer
Entira Family Clinics**Roger Hall, MD**Board Member
Collom & Carney Clinic**Michael B. Daley, MD**President, Primary Care
Pinehurst Medical Clinic**Tracy Barefield, MD**

Center for Primary Care

John Notaro, MDMedical Director
Buffalo Medical Group**Kenneth C. Kroll, MD**Managing Partner
Capital Medical Clinic