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September 5, 2024

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

RE: CMS-1809-P

Dear Administrator Brooks-LaSure:

The Consumer Technology Association (CTA®) appreciates the opportunity to comment on the Calendar Year 2025 Medicare hospital Outpatient Prospective Payment System (OPPS) and the Medicare Ambulatory Surgical Center (ASC) proposed rule.

As North America's largest technology trade association, CTA is the tech sector. Our members are the world's leading innovators – from startups to global brands – helping support more than 18 million American jobs. CTA owns and produces CES® – the most powerful tech event in the world. CTA is the trade association representing more than 1300 companies in the U.S. technology industry. Eighty percent of CTA companies are small businesses and startups; others are among the world's best-known brands. We provide members with policy advocacy, market research, technical education and standards development.

CTA's Health Division strives to increase the use of technology-enabled value-based health care to reduce health care costs and drive better health outcomes. The Division, which is made up of cutting edge small and large companies in the health care and technology sectors, including telehealth and personal health wearable companies, health care payers, health systems and biopharmaceutical innovators, provides policy advocacy, health care market research and standards initiatives that advance the appropriate use of consumer technologies in the health care context.

Specific Comments

Digital Mental Health Services

In the CY 2025 Medicare Physician Fee Schedule (MPFS) proposed rule, the Centers for Medicare and Medicaid Services (CMS) proposes to reimburse, for the first time, DMHT devices furnished incident to professional behavioral health services. This is an important first step towards broader Medicare recognition and reimbursement of prescription digital therapeutics, which are evidence-based, FDA-cleared or approved software products that treat various mental and physical health diseases and disorders.

Specifically, CTA supports CMS' proposal to establish three new HCPCS codes: GMBT1 (onboarding, education, and supply of the DMHT device); GMBT2; and GMBT3 (treatment management services that support DMHT device use). CTA supports CMS finalizing these proposed codes with technical changes as outlined in our comment letter on the MPFS proposed rule.¹

Unfortunately, CMS did not include these three new codes in the CY 2025 OPPS and ASC proposed rule, nor propose ambulatory payment classification (APC) group assignment for these codes. CTA urges CMS cover the technical/facility component (GMBT1) under the OPPS, where the hospital incurs the cost and responsibility for furnishing these items and services and assign an appropriate APC rate. Specifically, CMS should assign payment amounts for these services as it assigns other services assigned to New Technology APCs. This is a similar approach the agency has taken in the past – most notably for reimbursing for the technical/facility components of remote therapeutic monitoring (RTM) and remote physiological monitoring (RPM) codes.

Conclusion

CTA appreciates the opportunity to comment on the Calendar Year 2025 Medicare hospital Outpatient Prospective Payment System (OPPS) and the Medicare Ambulatory Surgical Center (ASC) proposed rule. We look forward to continuing to work with CMS to increase access to quality health care by leveraging technology.

Sincerely,

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¹ [CTA Comments on CY 2025 Medicare Physician Fee Schedule](#)