

Implementing SDM into Clinical Practice Law & Policy Update

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ISDM • June 21, 2022

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@ThaddeusPope



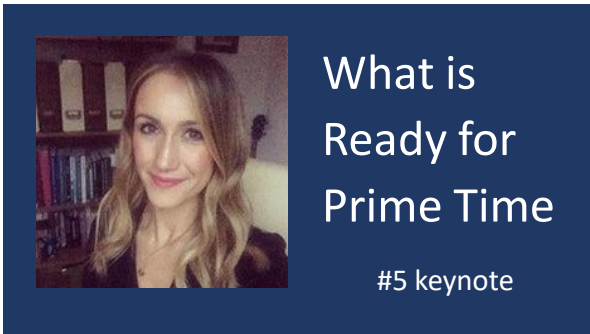
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implementation

3



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Recognition Endorsement

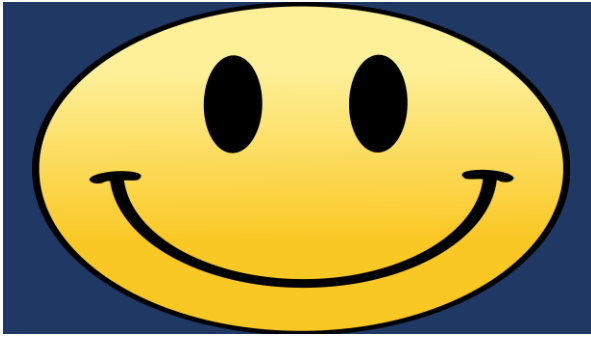
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BUT

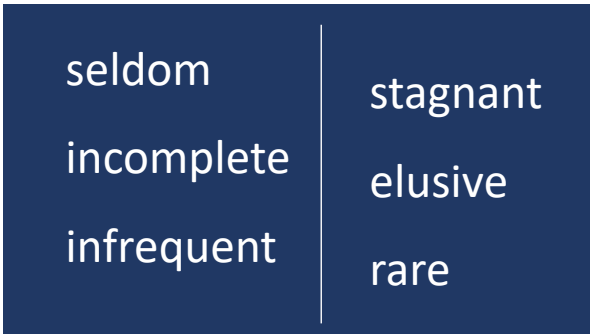
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Implementation
Adoption

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“significant and sustained adoption problem”

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Recognition
Endorsement

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18



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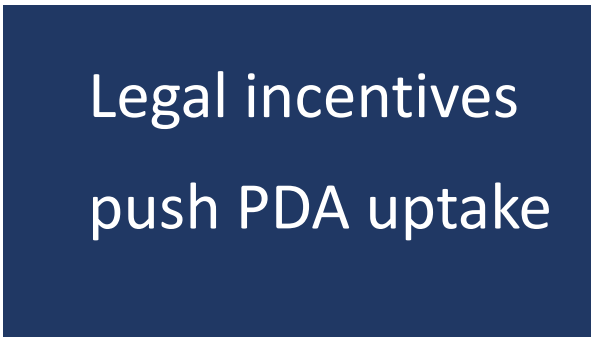
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Medicare mandates

25

Are those mandates working?

26

Legal tools to push SDM

27

3 Legal tools to promote PDA use

28

Liability tools

29



30

Safe harbor
legal immunity
for using PDA

31



32

Mandate
tools

33

Not just incentive
Legally **required**

34

Let's Require Patients to Review a High-quality
Decision Aid Before Receiving
Important Tests and Treatments

Floyd J. Fowler Jr, PhD, Michael J. Barry, MD, MACP,† Karen R.*

Med Care 2021 Jan; 59(1): 1–5

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Payment
tools

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No PDA → No pay

37

Most used incentive

38

Payment tools

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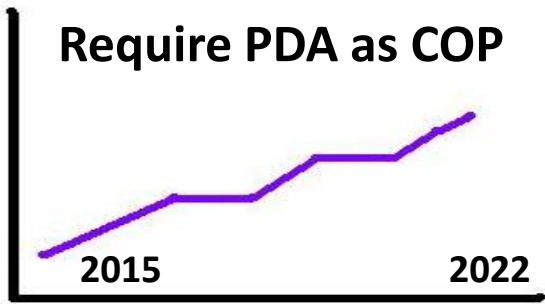
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43

3 examples

44

2015

45

Lung Cancer Screening with Low Dose CT

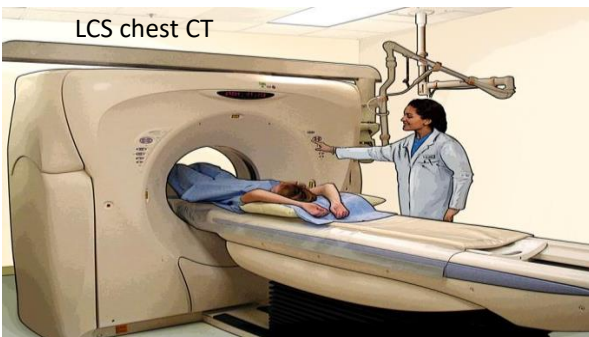
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30 pack year smoking history



47

LCS chest CT



48

Before
CT scan

49

“must receive
... SDM visit”

50

“one or more
decision aids”

51

2016

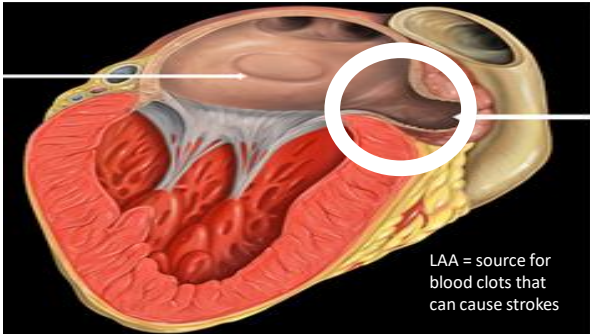
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Percutaneous Left Atrial Appendage Closure Therapy

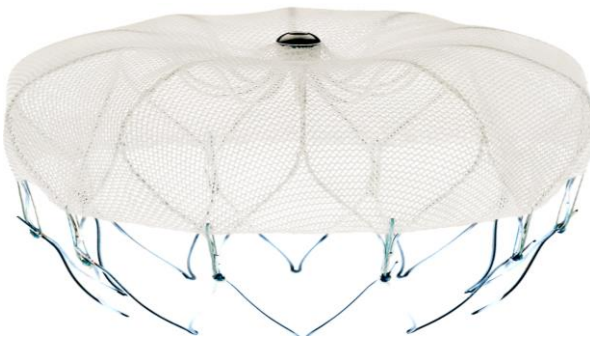
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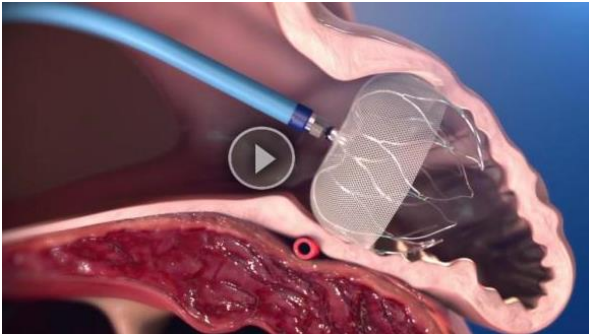
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Before
implantation

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“formal **SDM**
interaction”

60

“evidence-based
decision tool”

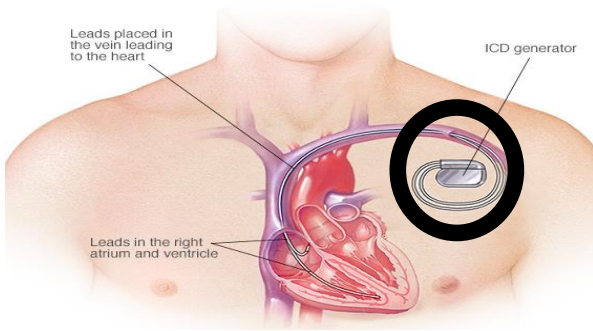
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2018

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Implantable
Cardioverter
Defibrillator

63



64

**Before
implantation**

65

**“formal SDM
encounter
must occur”**

66

“evidence-based
decision tool”

67

3 SDM/PDA
mandates

68

LDCT
LAAC
ICD

69

Assess

70

ICD

71



ORIGINAL ARTICLE

Physicians' perceptions of shared decision-making for implantable cardioverter-defibrillators: Results of a physician survey

Fatima Ali-Ahmed MD ✉ Daniel Matlock MD, Emily P. Zeitler MD, MHS

72

43% reported using PDA

73

LDCT

74

2015

75

3 phases of published studies

76

2018

77

JAMA Internal Medicine | [Original Investigation](#) | LESS IS MORE

1 Evaluating Shared Decision Making for Lung Cancer Screening

Alison T. Brenner, PhD, MPH; Teri L. Malo, PhD, MPH; Marjorie Margolis, MSPH; Jennifer Elston-Lafata, PhD;

2 Patient and Clinician Perspectives on Shared Decision-making in Early Adopting Lung Cancer Screening Programs: a Qualitative Study

Renda Soylemez Wiener, MD, MPH^{1,2}; Elisa Koppelman, MSW, MPH^{1,3};

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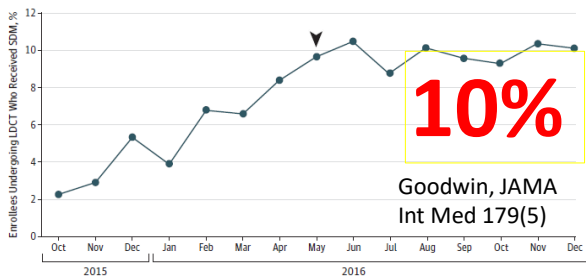
0% zero

79

2019

80

Figure. Percentage of Medicare Enrollees Aged 55 to 77 Years Undergoing Low-Dose Computed Tomography (LDCT) Screening Who Had a Shared Decision-Making (SDM) Visit in the 3 Months Before the LDCT



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2022

82

Prospective Multisite Cohort Study to Evaluate Shared Decision-Making Utilization Among Individuals Screened for Lung Cancer

Tina D. Taylor, MD^a, *J Am Coll Radiology* 2022

83

42% SDM

84

BUT

85

Low quality

86

23% PDA

87

8% required

88

Upshot

89

4 points

90

1

91

Lack of
compliance

92

Only 8% - 10%
LDCT mandate

93

2

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Lack of
enforcement

95

LDCT & ICD
without
required SDM

96



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No penalties
for violating SDM rules

100

3

101



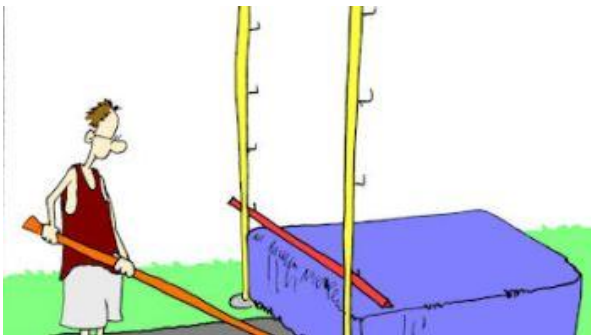
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LDCT

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CMS Manual System	Department of Health & Human Services (DHHS)
Pub 100-03 Medicare National Coverage Determinations	Centers for Medicare & Medicaid Services (CMS)
Transmittal 11388	Date: April 29, 2022

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4

106



“drop the requirement
for a SDM session”

107

Conclusion

108



109



110

SDM/PDA
also **waiting**
to take off

111



112

Moved from
guidelines to
incentives

113

now

114

Must **enforce**
the incentives

115



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Materials from this presentation are available
<http://thaddeuspope.com>

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