

Congress of the United States
Washington, DC 20515

September 24, 2013

Ms. Marilyn Tavenner
Administrator
Centers for Medicare and Medicaid Services
7500 Security Boulevard
Baltimore, MD 21244

Dear Administrator Tavenner:

As you know, the Centers for Medicare & Medicaid Services (CMS) recently released the final FY 2014 inpatient prospective payment system rule. We write to express concerns with the Admission and Medical Review Criteria for Hospital Inpatient Services and to request a six month delay in implementation of this provision to allow CMS time to address flaws in this policy.

We appreciate CMS' effort to provide clarity regarding when an inpatient hospital admission should be ordered and certified and when inpatient hospital admissions are generally appropriate for Medicare Part A payment. We also agree with the agency's overarching goal of ensuring that Medicare only pays for inpatient services when they are medically necessary. It is our understanding that CMS does not intend to redefine medical necessity but to clear up confusion that has led to significant hospital resources being diverted to Recovery Audit Contractors (RAC) appeals related to documentation of inpatient admissions.

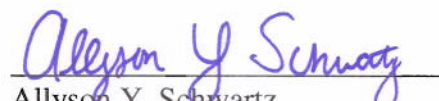
However, as it stands now, we are concerned that Medicare beneficiaries could assume a higher financial burden for their care under the new policy. Additionally, we are concerned that hospitals in our districts could be undercompensated for providing medically necessary services that do not meet the new criteria spelled out by CMS and face administrative challenges in complying with new requirements.

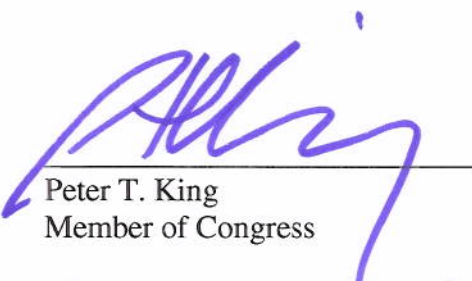
Under the new policy, inpatient admissions would be presumed reasonable and necessary for Medicare beneficiaries who require more than a one-day stay (meaning a stay that crosses two "midnights"), or a procedure that is specified as inpatient-only. Accordingly, the policy presumes that stays spanning less than "two midnights" should have been provided on an outpatient basis, unless a physician clearly documents the factors that support the physician's order and expectation that the patient required an inpatient level of care.

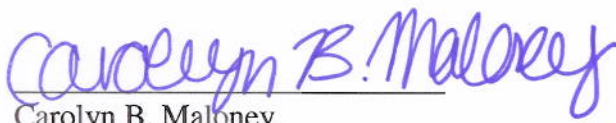
We are aware that CMS received comments from numerous organizations representing hospitals and beneficiaries in response to the new policy and we are hearing from our constituents as well. Based on this input, we believe that further modifications to the admission and medical review criteria are needed to ensure patients are not forced to spend more out of pocket for their care and that our hospitals are not unfairly subject to denied claims or made vulnerable to unnecessary RAC audits.

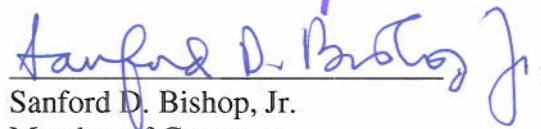
We respectfully urge you to delay enforcement of the regulations that apply to the entire two-midnight requirement for six months and to revisit this policy contained in the FY2014 IPPS rule. Thank you for your attention to this matter.

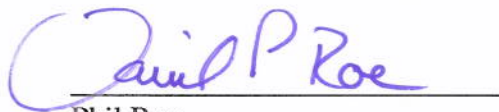
Sincerely,

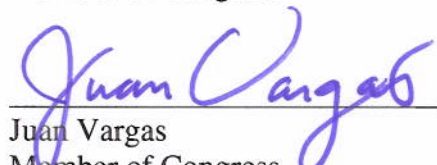

Allyson Y. Schwartz
Member of Congress

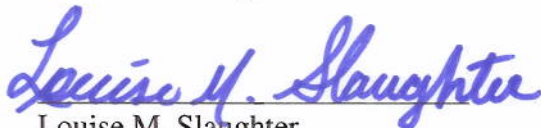

Peter T. King
Member of Congress

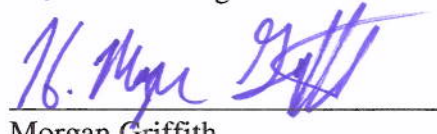

Carolyn B. Maloney
Member of Congress

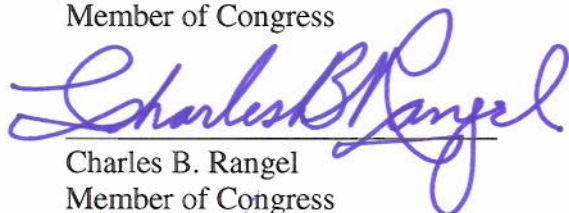

Sanford D. Bishop, Jr.
Member of Congress

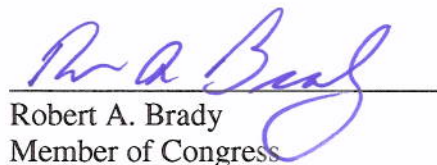

Phil Roe
Member of Congress

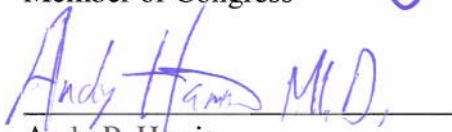

Juan Vargas
Member of Congress

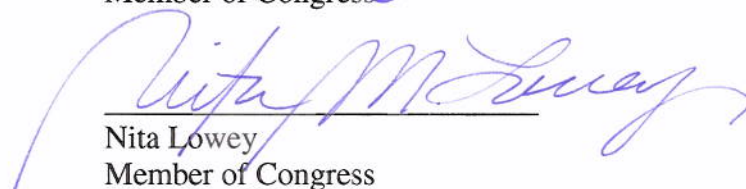

Louise M. Slaughter
Member of Congress


Morgan Griffith
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Charles B. Rangel
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Robert A. Brady
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Andy P. Harris
Member of Congress

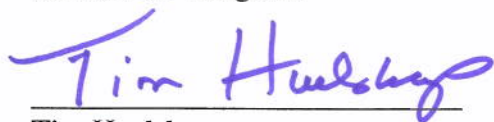

Nita Lowey
Member of Congress



John Garamendi
Member of Congress



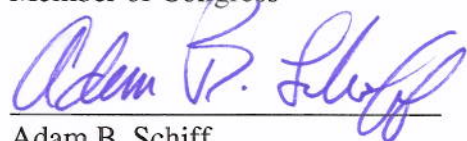
Jim Matheson
Member of Congress



Tim Huelskamp
Member of Congress



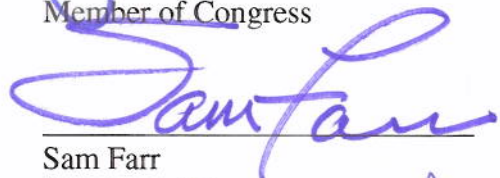
Diana DeGette
Member of Congress



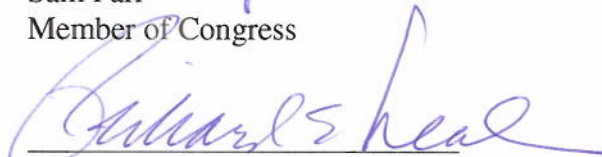
Adam B. Schiff
Member of Congress



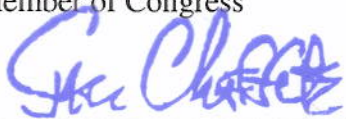
Yvette Clarke
Member of Congress



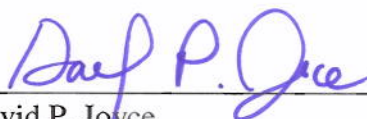
Sam Farr
Member of Congress



Richard Neal
Member of Congress



Jason Chaffetz
Member of Congress



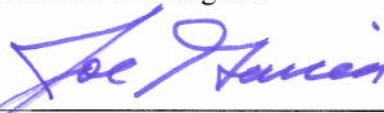
David P. Joyce
Member of Congress



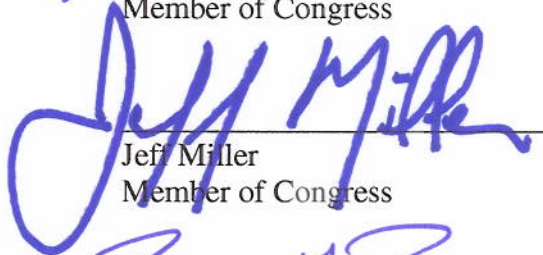
Joe Heck
Member of Congress



Rubén Hinojosa
Member of Congress



Joe Garcia
Member of Congress



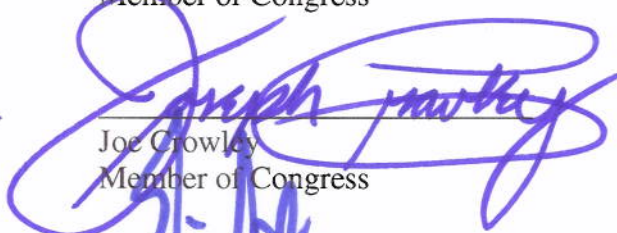
Jeff Miller
Member of Congress



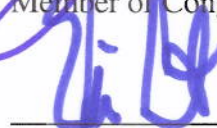
Bobby L. Rush
Member of Congress



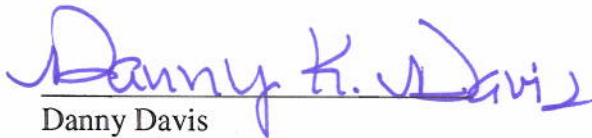
Marsha Blackburn
Member of Congress



Joe Crowley
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Jim Costa
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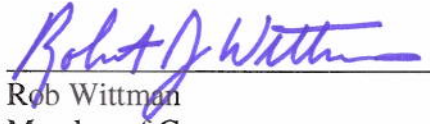
Danny Davis
Member of Congress



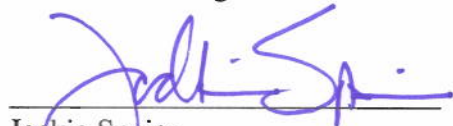
Carolyn McCarthy
Member of Congress



Michael E. Capuano
Member of Congress



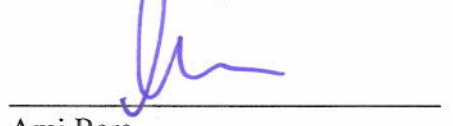
Rob Wittman
Member of Congress



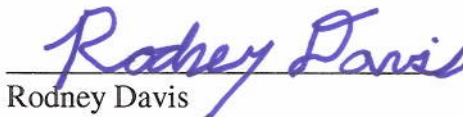
Jackie Speier
Member of Congress



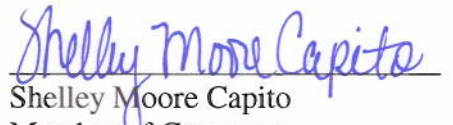
Steve Israel
Member of Congress



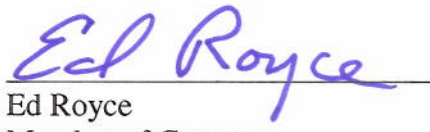
Ami Bera
Member of Congress



Rodney Davis
Member of Congress



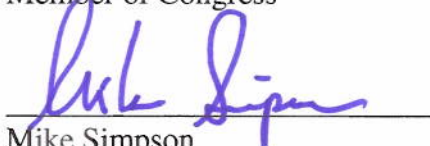
Shelley Moore Capito
Member of Congress



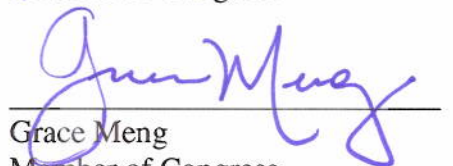
Ed Royce
Member of Congress



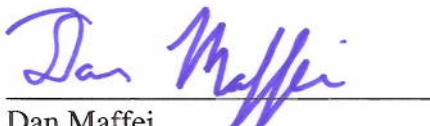
James Lankford
Member of Congress



Mike Simpson
Member of Congress



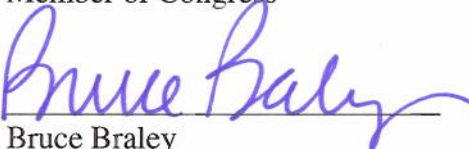
Grace Meng
Member of Congress




Dan Maffei
Member of Congress



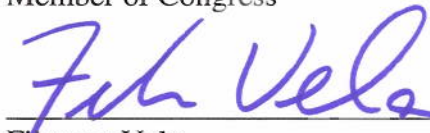
Doug Collins
Member of Congress



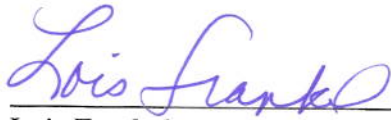
Bruce Braley
Member of Congress



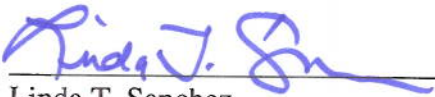
Brian Higgins
Member of Congress



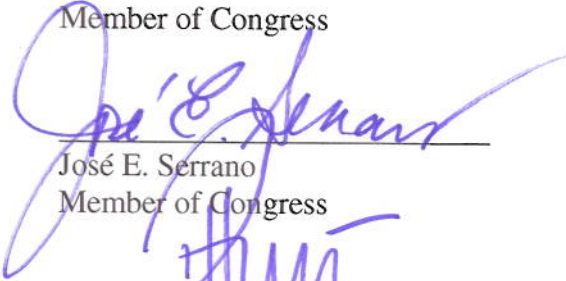
Filemon Vela
Member of Congress



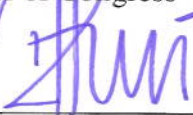
Lois Frankel
Member of Congress



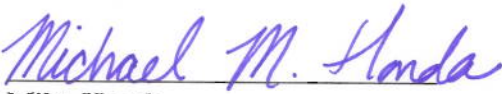
Linda T. Sanchez
Member of Congress



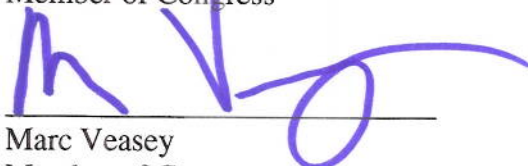
José E. Serrano
Member of Congress



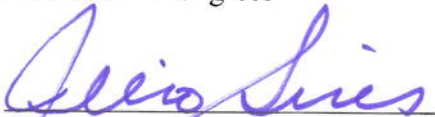
Robert Hurt
Member of Congress



Mike Honda
Member of Congress



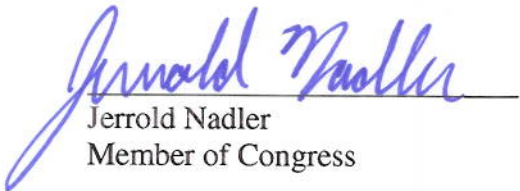
Marc Veasey
Member of Congress



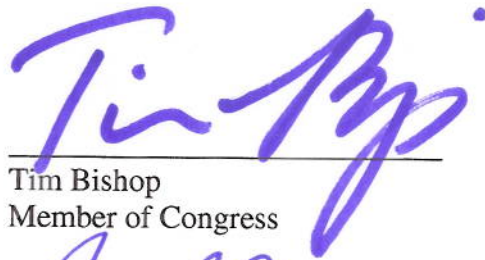
Albio Sires
Member of Congress



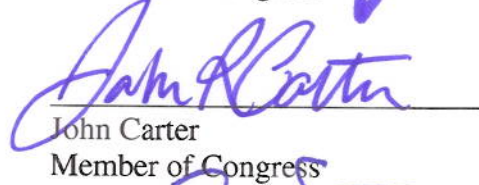
Betty McCollum
Member of Congress



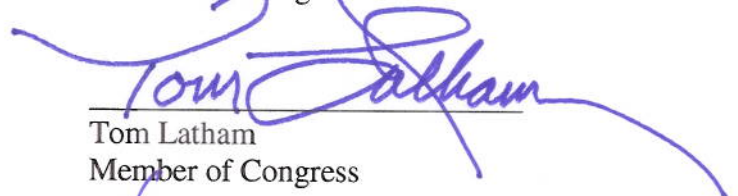
Jerrold Nadler
Member of Congress



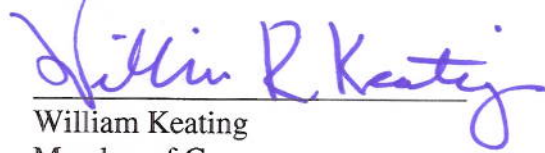
Tim Bishop
Member of Congress



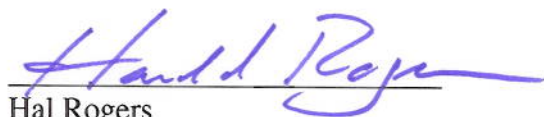
John Carter
Member of Congress



Tom Latham
Member of Congress



William Keating
Member of Congress



Hal Rogers
Member of Congress



Tim Ryan
Member of Congress



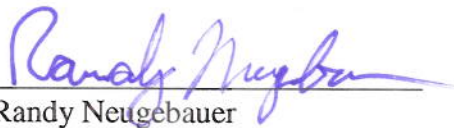
Brad Sherman
Member of Congress



Dina Titus
Member of Congress



Lou Barletta
Member of Congress



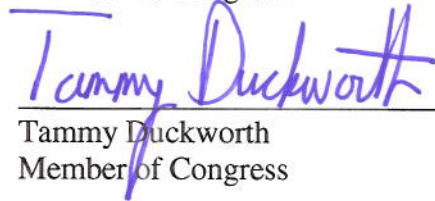
Randy Neugebauer
Member of Congress



Walter B. Jones
Member of Congress



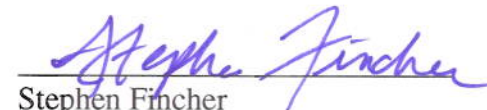
Rob Bishop
Member of Congress



Tammy Duckworth
Member of Congress



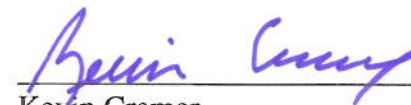
Eddie Bernice Johnson
Member of Congress



Stephen Fincher
Member of Congress



Patrick E. Murphy
Member of Congress



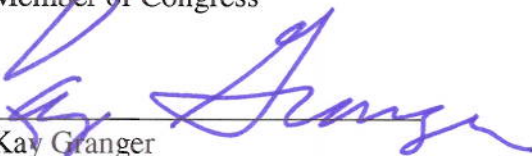
Kevin Cramer
Member of Congress



Paul Tonko
Member of Congress



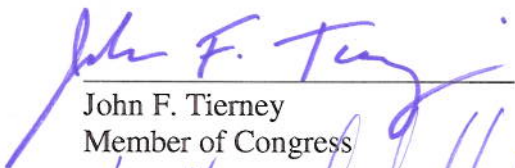
Cheri Bustos
Member of Congress



Kay Granger
Member of Congress



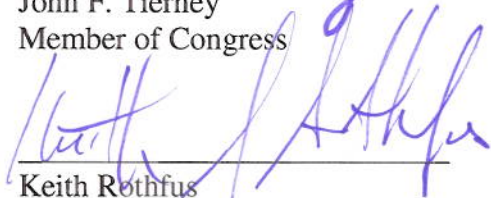
Mike Quigley
Member of Congress



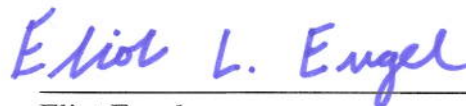
John F. Tierney
Member of Congress



Bob Goodlatte
Member of Congress



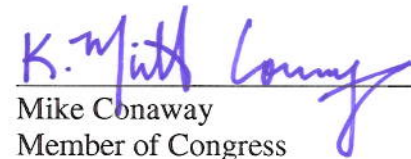
Keith Rothfus
Member of Congress




Eliot Engel
Member of Congress

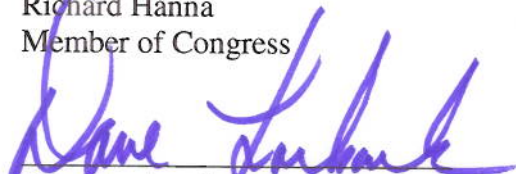



Dan Lipinski
Member of Congress

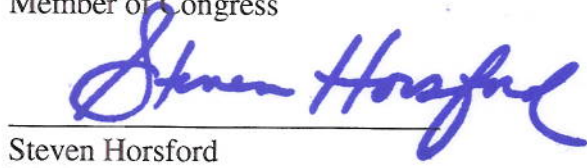


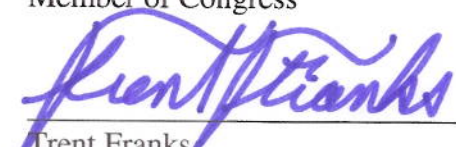
Mike Conaway
Member of Congress

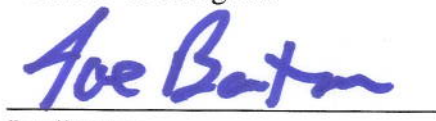

Richard Hanna
Member of Congress

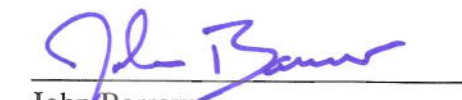

Dave Loebsack
Member of Congress

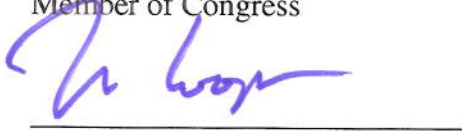

Collin Peterson
Member of Congress

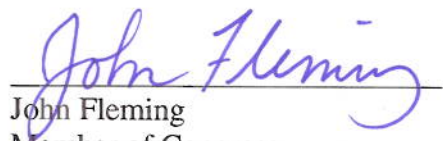

Steven Horsford
Member of Congress


Trent Franks
Member of Congress



Joe Barton
Member of Congress

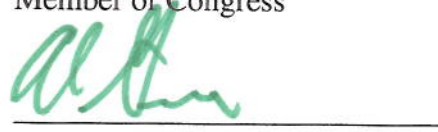

John Barrow
Member of Congress

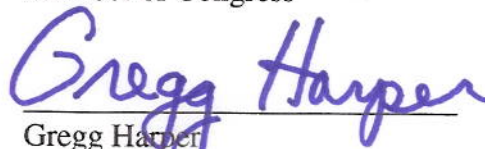

Jim Cooper
Member of Congress

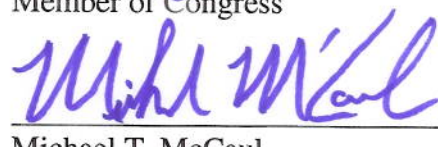

John Fleming
Member of Congress

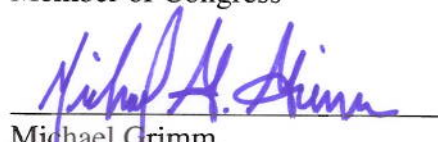

Chaka Fattah
Member of Congress

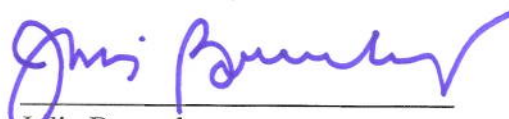

Patrick Meehan
Member of Congress

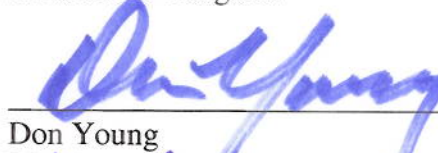

Al Green
Member of Congress

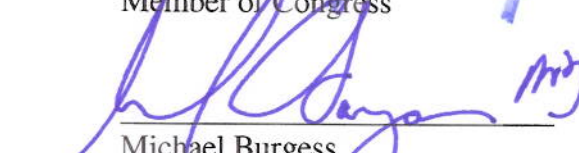

Gregg Harper
Member of Congress


Michael T. McCaul
Member of Congress


Michael Grimm
Member of Congress

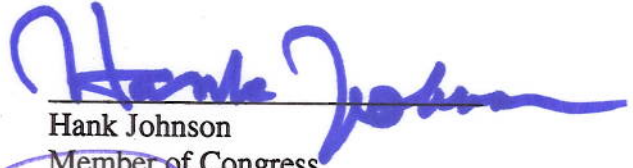

Julia Brownley
Member of Congress


Don Young
Member of Congress


Michael Burgess
Member of Congress



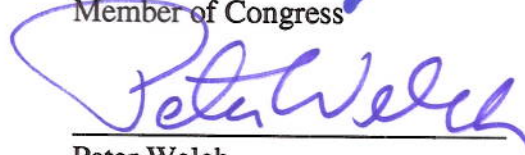
Brad Schneider
Member of Congress



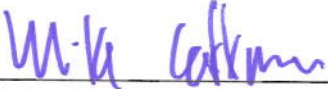
Hank Johnson
Member of Congress



Ron Kind
Member of Congress



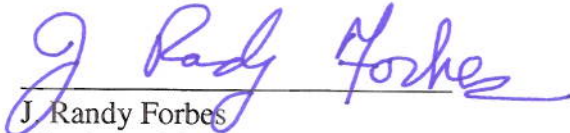
Peter Welch
Member of Congress



Mike Coffman
Member of Congress



Bill Owens
Member of Congress



J. Randy Forbes
Member of Congress