United States Senate
WASHINGTON, DC 20510

October 9, 2014

Marilyn Tavenner
Administrator
Centers for Medicare & Medicaid Services
200 Independence Avenue, SW
Washington, DC 20201

Dear Administrator Tavenner:

We write regarding the Centers for Medicare and Medicaid Services (CMS) rulemaking process and its impact on rural health care providers.

Recognizing the importance of rural providers and in response to concerns raised by Members of Congress, the Consolidated Appropriations Act of 2014 included language to request CMS better account for the realities of rural health care delivery and coordinate with the Office of Rural Health Policy at the Health Resources and Services Administration (HRSA).

In response, the CMS FY2015 Budget Justification included language simply stating that CMS must coordinate with the HRSA Office of Rural Health Policy and receive recommendations from the White House Rural Council. Despite this assertion, several policies remain problematic for rural providers and facilities, including the outpatient therapy supervision requirement and the 96 hour rule. We remain concerned these policy decisions do not reflect the reality of providing care in rural communities, and we request additional details on these consultation efforts in advance of future rulemaking.

Specifically, we ask CMS share additional information regarding: the process for considering and incorporating the rural impact throughout the rulemaking process; the metrics and surveillance of rural health care systems that are used to inform policy analysis; stakeholder engagement in advance of the open comment period; and monitoring activities to assess the impact of a final regulation on costs and access to care in rural areas after implementation.

The proportion of elderly rural Americans continues to grow, and even small policy changes or incremental payment adjustments have a significant impact on access to care in rural areas. Medicare beneficiaries should be able to obtain care within their own communities when possible, and we are committed to ensuring federal policies recognize and incorporate the unique challenges rural providers face.

On behalf of the health care providers and health systems across the country, we appreciate your attention to these concerns as we work together to strengthen rural health care delivery. We look forward to your response.

Sincerely,

Heidi Heitkamp
United States Senator

John Thune
United States Senator

Tim Johnson
United States Senator

John Hoeven
United States Senator

John Barrasso
United States Senator

Jon Tester
United States Senator

Michael Bennet
United States Senator

Mary Landrieu
United States Senator

Pat Roberts
United States Senator

Joe Donnelly
United States Senator

Jerry Moran
United States Senator

Mark Kirk
United States Senator

Susan Collins
United States Senator

David Vitter
United States Senator

Deb Fischer
United States Senator

Michael Enzi
United States Senator

Daniel Coats
United States Senator

Richard Burr
United States Senator

James Inhofe
United States Senator

Roy Blunt
United States Senator

Thad Cochran
United States Senator

Tammy Baldwin
United States Senator

Roger Wicker
United States Senator

Mike Johanns
United States Senator

Mark Pryor
United States Senator

Claire McCaskill
United States Senator

Maria Cantwell
United States Senator

Angus King
United States Senator

Amy Klobuchar
United States Senator

John Cornyn
United States Senator

Ron Johnson
United States Senator

Mark Udall
United States Senator

Al Franken
United States Senator

Jeff Merkley
United States Senator

Charles E. Schumer
United States Senator

Kirsten E. Gillibrand
United States Senator