

# 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



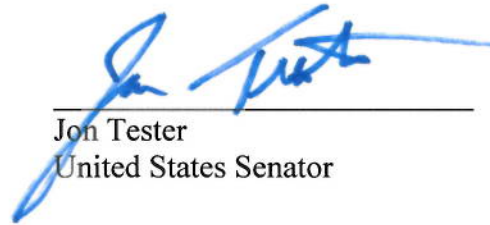
Tim Johnson  
United States Senator



John Hoeven  
United States Senator



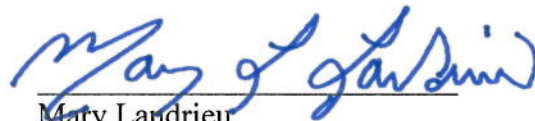
John Barrasso  
United States Senator



Jon Tester  
United States Senator



Michael Bennet  
United States Senator



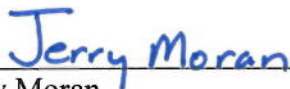
Mary Landrieu  
United States Senator



Pat Roberts  
United States Senator



Joe Donnelly  
United States Senator



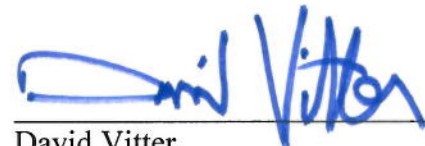
Jerry Moran  
United States Senator



Mark Kirk  
United States Senator



Susan Collins  
United States Senator



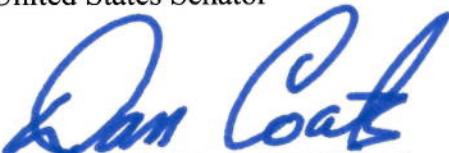
David Vitter  
United States Senator



Deb Fischer  
United States Senator



Michael Enzi  
United States Senator



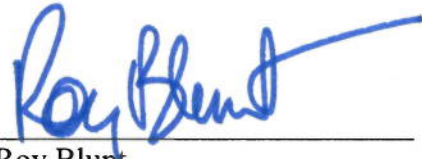
Daniel Coats  
United States Senator



Richard Burr  
United States Senator



James Inhofe  
United States Senator



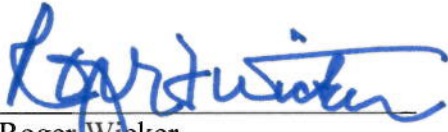
Roy Blunt  
United States Senator



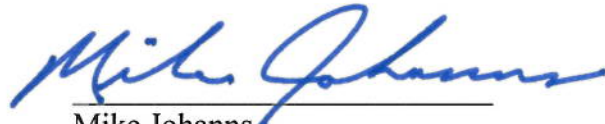
Thad Cochran  
United States Senator



Tammy Baldwin  
United States Senator



Roger Wicker  
United States Senator



Mike Johanns  
United States Senator



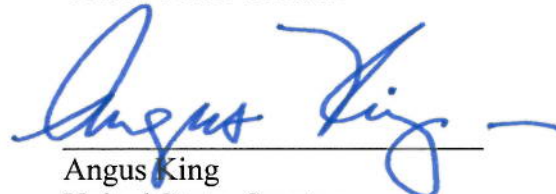
Mark Pryor  
United States Senator



Claire McCaskill  
United States Senator



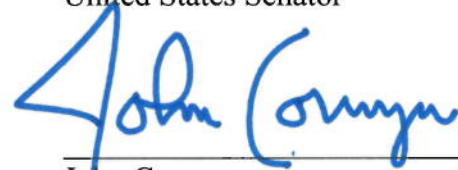
Maria Cantwell  
United States Senator



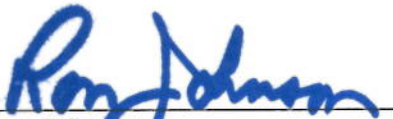
Angus King  
United States Senator



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

---

*Jeffrey A. Merkley*

---

Jeff Merkley  
United States Senator