



National Association of  
Public Hospitals and  
Health Systems



March 19, 2002

Thomas A. Scully  
Administrator  
Centers for Medicare and Medicaid Services  
Department of Health and Human Services  
Hubert H. Humphrey Building, Room 443-G  
200 Independence Avenue, SW  
Washington, DC 20201

Dear Mr. Scully:

The National Association of Public Hospitals and Health Systems (NAPH), the American Hospital Association (AHA) and the other organizations and hospitals that have joined in the pending lawsuit over the public hospital UPL regulation are gratified that in an attempt to comply with the Congressional Review Act (CRA), the Department of Health and Human Services (HHS) initially revised the effective date of the pending UPL regulation to April 15, 2002. As you may be aware, the Senate officially published notice of its receipt of the UPL regulation in the March 18, 2002 Congressional Record. Consequently, we have again requested that HHS revise the effective date in compliance with the CRA to May 14, 2002.

As you know, short term delays are not our primary goal because they do not solve the longer term crises that will be generated for many hospitals by the pending UPL regulation. For this reason, we hope and trust that we can use this additional period to discuss how best to resolve these concerns.

Let me re-emphasize the point we made in filing the UPL lawsuit. We share your concern for the integrity of the Medicaid program, but we also believe that these issues must be addressed with equal attention to the urgent needs of America's hospitals and most vulnerable patients. These needs were articulated in hundreds of comments received by HHS on the pending UPL rule and in the unequivocal statements of the Congress in Committee and Conference reports accompanying the Labor-HHS-Education appropriations bill.

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We believe you share our concerns and hope that we can use the additional time to fashion a solution that is responsive to all of our legitimate concerns.

Sincerely,



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