May 16, 2008

The Honorable Harry Reid
Majority Leader
United States Capitol, S-221
Washington, DC 20510

The Honorable Mitch McConnell
Republican Leader
United States Capitol, S-230
Washington, DC 20510

The Honorable Max Baucus
Chairman
Senate Committee on Finance
Dirksen Senate Office Building, Room 219
Washington, DC 20510

The Honorable Charles Grassley
Ranking Member
Senate Committee on Finance
Dirksen Senate Office Building, Room 219
Washington, DC 20510

Dear Leader Reid, Leader McConnell, Chairman Baucus, and Ranking Member Grassley:

We are writing to express our support for Section 1011 of the Medicare Modernization Act (MMA, P.L. 108-173). Section 1011 is vital to our states’ health care safety net, helping hospitals, physicians, and ambulances provide federally-mandated emergency services to undocumented immigrants. Section 1011 expires at the end of fiscal year 2008. We respectfully request that you include a fully authorized, two year extension in this year’s Medicare bill.

As you know, the Emergency Medical Treatment and Active Labor Act (EMTALA, P.L. 99-272) requires Medicare-participating hospitals to screen, treat, and stabilize individuals seeking emergency medical care regardless of income or immigration status. Our health care providers shoulder a disproportionate burden in providing EMTALA-mandated emergency services to undocumented immigrants. A study by the U.S.-Mexico Border Counties Coalition reports that border hospitals alone spent more than $200 million to provide emergency health care to undocumented immigrants in 2000.

Since Section 1011’s inception, the Centers for Medicare and Medicaid Services (CMS) report a steady growth in the volume of submitted claims, provider payments, and enrolled providers. In a letter to Senator Kyl dated June 28, 2007, then Acting Administrator Leslie Norwalk stated that between the first payment period and the fifth payment period, the volume of submitted claims increased by a total of 317 percent, the value of provider payments increased by 101 percent, and the number of enrolled health care providers increased by a total of 107 percent. Moreover, given the program’s growth, Administrator Norwalk wrote that “CMS anticipates that health care providers will expend all Section 1011 funds.”

The program’s rapid and continued growth underscores the financial and resource burden shouldered by health care providers in providing EMTALA-mandated emergency services. Our states continue to face increased health care costs, reductions in charity care or other health care services, a shortage of health care professionals, long emergency room wait times, and the
closure of some facilities.

Section 1011 plays a critical role in helping to stabilize our states' health care safety net and preserve access to care. We hope that you concur and include a two year extension of Section 1011 in this year's Medicare bill.

We appreciate your consideration and look forward to working with you.

Sincerely,

[Signatures]