American Hospital Association

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April 13, 2011

The Honorable Jerry Moran
United States Senate
Russell Senate Office Building, Courtyard 4
Washington, DC 20510

Dear Senator Moran:

On behalf of our more than 5,000 member hospitals, health systems and other health care organizations, and our 40,000 individual members, the American Hospital Association (AHA) is pleased to support S.778, legislation which would provide hospitals relief from the Centers for Medicare and Medicaid Services' (CMS) regulations with respect to direct supervision of outpatient therapeutic services. We applaud your commitment to America's health care providers and stand ready to advocate for S.778.

Your legislation would require CMS to change its current policy and allow for a default setting of general supervision for outpatient therapeutic services. It also would create an advisory panel to establish an exceptions process for risky and complex outpatient services that require a higher direct level of supervision. In addition, a special rule would be established for Critical Access Hospitals (CAH), in recognition of their unique size and Medicare Conditions of Participation.

Importantly, your legislation also includes a hold harmless for hospitals and CAHs beginning in 2001 from any civil or criminal action for failure to meet CMS' supervision requirements for the period 2001 through 2011. Although CMS claims its policy is a "restatement and clarification" of existing policy, it is, in fact, a significant change that has left hospitals and CAHs vulnerable. Your legislation acknowledges this and seeks relief for hospitals who were appropriately providing patient care.

Again, we are pleased to support this legislation and look forward to working with you and your colleagues to achieve its passage.

Sincerely,

Rick Pollack
Executive Vice President

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