



## **Legislative Action Alert!**

*Tuesday, February, 25, 2014*

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<b>NEED ACTION FROM</b> .....	<b>Critical access hospitals</b>
<b>ACTIONS</b> .....	<b>Urge your senator to support of the Critical Access Hospital Relief Act (S. 2037)</b>
<b>WHEN</b>	<b>Immediately</b>
<b>WHY</b> .....	<b>Bill removes 96-hour physician certification requirement</b>
<b>HOW</b> .....	<b>Call or e-mail your senator</b>

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SENATE INTRODUCES BILL TO REMOVE 96-HOUR  
PHYSICIAN CERTIFICATION REQUIREMENT FOR CAHS  
*Companion to H.R. 3991*

Sens. Pat Roberts (R-KS) and Jon Tester (D-MT) yesterday introduced the *Critical Access Hospital Relief Act of 2014*, S. 2037, which would remove the 96-hour physician certification requirement as a condition of payment for critical access hospitals (CAHs). Specifically, this AHA-supported bill amends the *Social Security Act* to remove the condition of payment but leaves the condition of participation intact. A physician would not be required to state that the patient will be discharged or transferred in less than 96 hours in order for the CAH to be paid on that particular claim. CAHs would continue to need to meet the other certification requirements that apply to all hospitals as well as the condition of participation requiring a 96-hour annual average length of stay. Earlier this month, the House introduced a companion bill, H.R. 3991.

### **Background**

As condition of payment for CAHs, the Centers for Medicare & Medicaid Services (CMS) requires a physician to certify that a beneficiary may reasonably be expected to be discharged or transferred to a hospital within 96 hours after admission to the CAH. The agency historically has not enforced the condition of payment. However, CMS recently published guidance, in relation to its new two-midnight admissions policy, that implies the agency will begin enforcing this condition of payment going forward.

While CAHs typically maintain an annual average of 96 hours per patient, they offer some medical services that have standard lengths of stay greater than 96 hours. If CAHs are forced to eliminate these “96-hour plus” services, the resulting financial pressure on CAHs would severely affect their ability to operate and care for beneficiaries in rural communities.

S. 2037 is cosponsored by Sens. Jim Inhofe (R-OK), Dick Durbin (D-IL), Mike Enzi (R-WY), Tammy Baldwin (D-WI), Jerry Moran (R-KS), Al Franken (D-MN), Chuck Grassley (R-IA), Amy Klobuchar (D-MN), John Barrasso (R-WY), Deb Fischer (R-NE), Susan Collins (R-ME), Mike Johanns (R-NE), John Hoeven (R-ND) and Mark Kirk (R-IL). **The AHA will work with CAHs to garner support for S. 2037 and H.R. 3991. Please contact your legislators and urge them to cosponsor the *Critical Access Hospital Relief Act*.**