

Congress of the United States
Washington, DC 20515

July 26, 2022

The Honorable Chiquita Brooks-LaSure
Administrator Centers for Medicare & Medicaid Services
U.S. Department of Health and Human Services
200 Independence Avenue SW
Washington, DC 20201

Dear Administrator Brooks-LaSure,

We write to share our concern regarding the proposed payment updates included in the Centers for Medicare & Medicaid Services' (CMS) inpatient prospective payment system (IPPS) proposed rule for the upcoming fiscal year (FY) 2023. We worry the proposed payment updates do not accurately reflect today's cost of patient care and, when tethered with other policy changes included in the proposed rule, would result in a payment decrease for IPPS hospitals in FY 2023. We respectfully urge CMS to further evaluate this proposal and consider using its special exceptions and adjustments authority to revise the final IPPS rule to ensure hospitals have the resources they need to provide optimal care.


The historical data CMS referenced to forecast the expected health care cost could neither predict the effect of economy-wide inflation nor the increased supply chain demand and labor cost associated with COVID-19. We are concerned that the payment update hospitals received in FY 2022 and the proposed FY2023 market basket update does not sufficiently account for these critical financial pressures. This could result in a regrettably inadequate payment update that would not provide IPPS hospitals with resources needed to provide care to the patients and communities they serve.

We've heard the reality of the uncertain conditions and challenges that hospitals continue to face and operate under due to the pandemic and inflation. We therefore respectfully urge CMS to consider using its special exceptions and adjustments authority to make a retrospective adjustment to more fairly account for the difference between the market basket update that was implemented for FY 2022 and the current projected FY 2022 market basket. We believe that this change might provide a more accurate payment update that would provide hospitals and health care providers with the necessary tools they need to provide quality care to communities they serve and ensure Medicare payments for acute care services reflect today's cost of care.

On behalf of the hospitals and health care systems in our districts and nationwide, we appreciate your attention to these concerns. We look forward to your response.

Sincerely,


Bradley S. Schneider
Member of Congress


Carol D. Miller
Member of Congress



Danny K. Davis
Member of Congress



Maria Elvira Salazar
Member of Congress



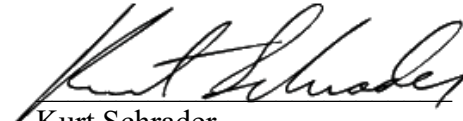
Don Bacon
Member of Congress



Chris Jacobs
Member of Congress



G. K. Butterfield
Member of Congress



Kurt Schrader
Member of Congress




Anthony Gonzalez
Member of Congress



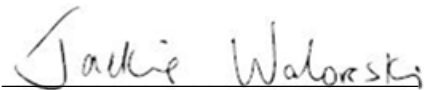
Mike Bost
Member of Congress



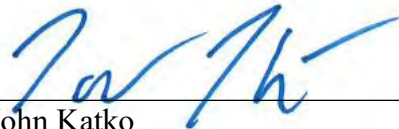
Fred Upton
Member of Congress



Susan Wild
Member of Congress



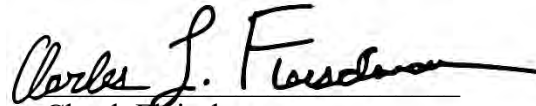
Jackie Walorski
Member of Congress



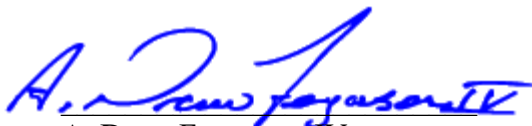
John Katko
Member of Congress



Mike Quigley
Member of Congress



Chuck Fleischmann
Member of Congress



A. Drew Ferguson, IV
Member of Congress



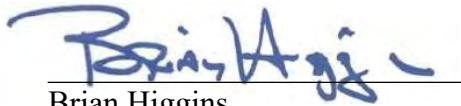
Elise Stefanik
Member of Congress



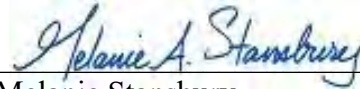
Ritchie Torres
Member of Congress



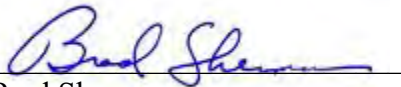
Tim Ryan
Member of Congress



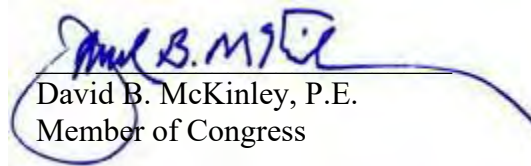
Brian Higgins
Member of Congress



Melanie Stansbury
Member of Congress



Brad Sherman
Member of Congress



David B. McKinley, P.E.
Member of Congress



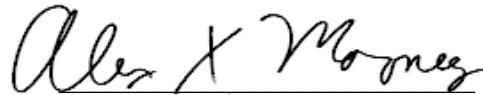
Tracey Mann
Member of Congress



Daniel T. Kildee
Member of Congress



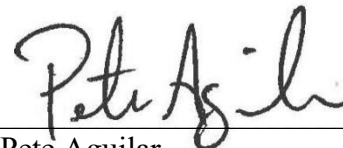
Jake LaTurner
Member of Congress



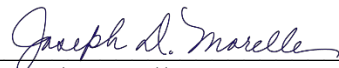
Alex X. Mooney
Member of Congress



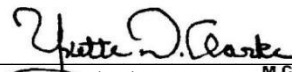
French Hill
Member of Congress



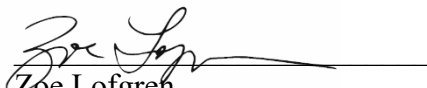
Pete Aguilar
Member of Congress



Joseph Morelle
Member of Congress



Yvette Clarke
Member of Congress



Zoe Lofgren
Member of Congress



Matt Gaetz
Member of Congress



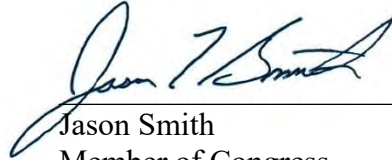
John R. Moolenaar
Member of Congress



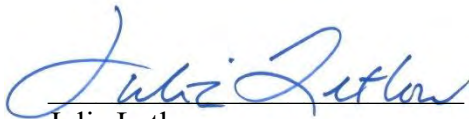
Michael Guest
Member of Congress



Fred Keller
Member of Congress



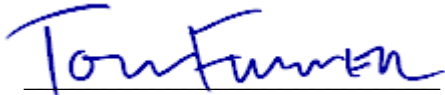
Jason Smith
Member of Congress



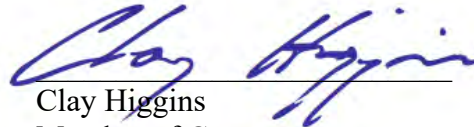
Julia Letlow
Member of Congress




Darin LaHood
Member of Congress



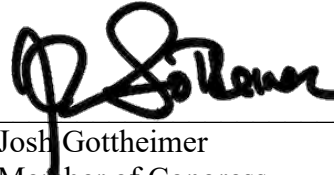
Tom Emmer
Member of Congress



Clay Higgins
Member of Congress



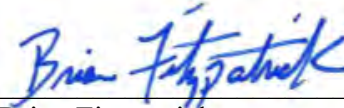
Vicky Hartzler
Member of Congress



Josh Gottheimer
Member of Congress



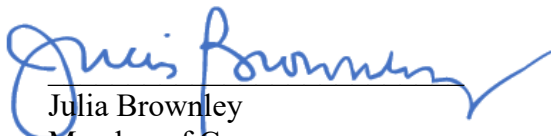
Pete Stauber
Member of Congress



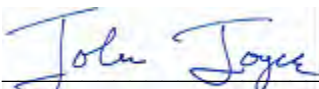
Brian Fitzpatrick
Member of Congress



Sean Patrick Maloney
Member of Congress



Julia Brownley
Member of Congress



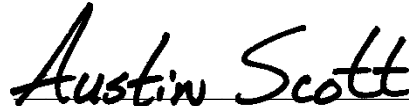
John Joyce, M.D.
Member of Congress



Raja Krishnamoorthi
Member of Congress



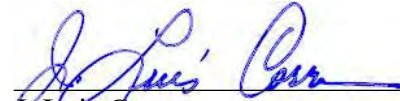
Eric A. "Rick" Crawford
Member of Congress



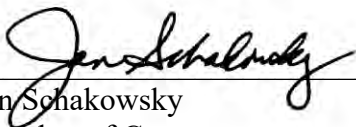
Austin Scott
Member of Congress



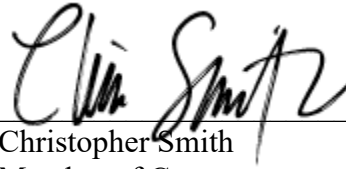
Lucy McBath
Member of Congress



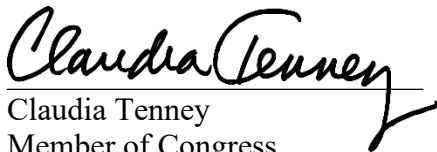
J. Luis Correa
Member of Congress



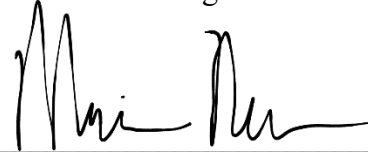
Jan Schakowsky
Member of Congress



Christopher Smith
Member of Congress



Claudia Tenney
Member of Congress




Marie Newman
Member of Congress



Deborah K. Ross
Member of Congress



Ron Kind
Member of Congress



Kim Schrier, M.D.
Member of Congress



Tim Burchett
Member of Congress



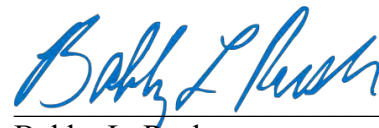
Jaime Herrera Beutler
Member of Congress



Angie Craig
Member of Congress

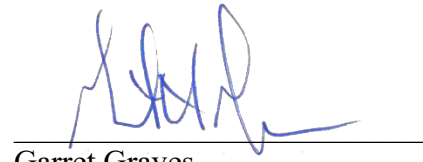


Lizzie Fletcher
Member of Congress





Bobby L. Rush
Member of Congress

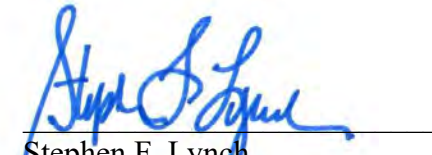

Shontel M. Brown
Member of Congress

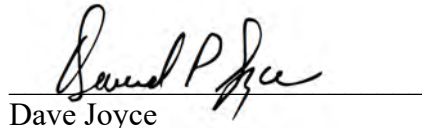

Garret Graves
Member of Congress

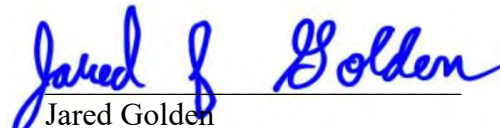

Tom O'Halleran
Member of Congress

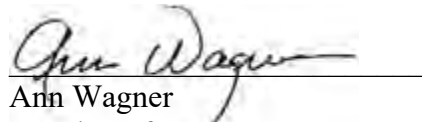

Randy Feenstra
Member of Congress

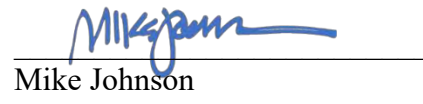

Madeleine Dean
Member of Congress

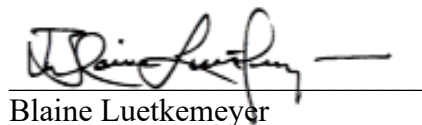

Stephen F. Lynch
Member of Congress



Dave Joyce
Member of Congress


Jared Golden
Member of Congress

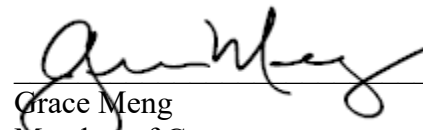

Ann Wagner
Member of Congress

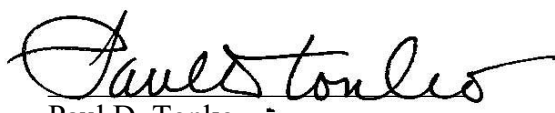

Mike Johnson
Member of Congress

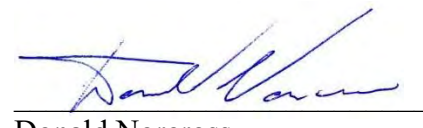

Blaine Luetkemeyer
Member of Congress


Sam Graves
Member of Congress


Ashley Hinson
Member of Congress


Grace Meng
Member of Congress


Paul D. Tonko
Member of Congress


Donald Norcross
Member of Congress



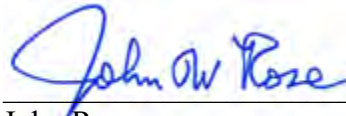
Kathleen Rice
Member of Congress



Jim Costa
Member of Congress



Sharice L. Davids
Member of Congress



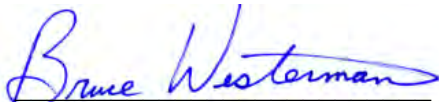
John Rose
Member of Congress



Haley Stevens
Member of Congress



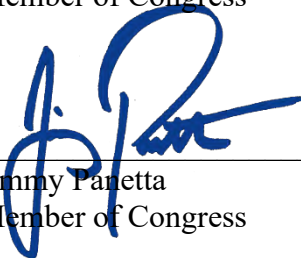
Robert B. Aderholt
Member of Congress



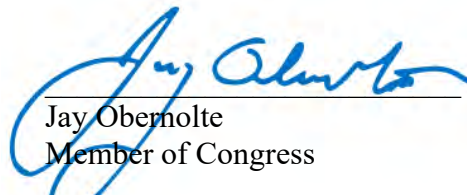
Bruce Westerman
Member of Congress



Bill Huizenga
Member of Congress



Jimmy Panetta
Member of Congress



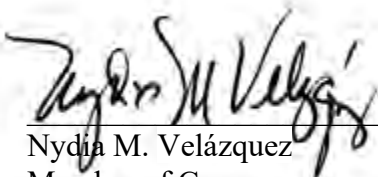
Jay Obernolte
Member of Congress



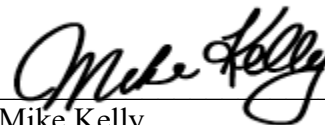
Adriano Espaillat
Member of Congress



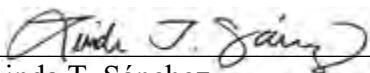
Sean Casten
Member of Congress



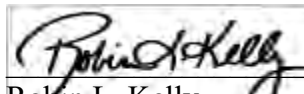
Nydia M. Velázquez
Member of Congress



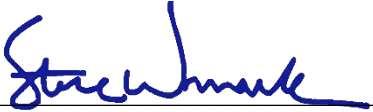
Mike Kelly
Member of Congress



Linda T. Sánchez
Member of Congress



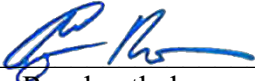
Robin L. Kelly
Member of Congress



Steve Womack
Member of Congress



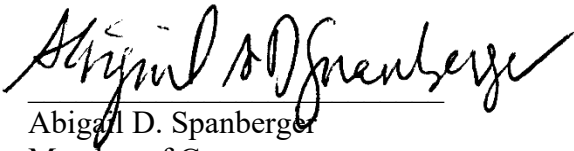
Andrew R. Garbarino
Member of Congress



Guy Reschenthaler
Member of Congress



Mark DeSaulnier
Member of Congress



Abigail D. Spanberger
Member of Congress



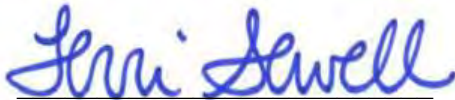
Mike Thompson
Member of Congress



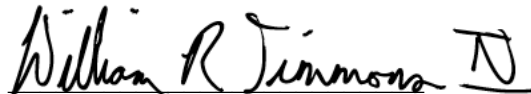
Peter Welch
Member of Congress



Nannette Diaz Barragan
Member of Congress



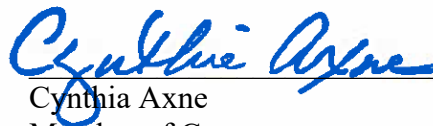
Terri A. Sewell
Member of Congress



William R. Timmons, IV
Member of Congress



Jason Crow
Member of Congress



Cynthia Axne
Member of Congress



Ann McLane Kuster
Member of Congress



Chrissy Houlahan
Member of Congress

United States Senate

July 26, 2022

The Honorable Chiquita Brooks-LaSure
Administrator
U.S. Centers for Medicare & Medicaid Services
7500 Security Boulevard
Baltimore, MD 21244

Dear Administrator Brooks-LaSure,

We write today to express our concern over the proposed payment updates included in the Centers for Medicare & Medicaid Services' (CMS) inpatient prospective payment system (IPPS) proposed rule for FY2023. We are concerned that the proposed payment updates do not fully account for the current cost of care and when coupled with other policy changes incorporated in the proposed rule, will result in an overall payment reduction for hospitals in FY2023. We request that CMS consider using its special exceptions and adjustments authority to update the proposed payment update in the final IPPS rule.

In the FY2023 proposed rule, CMS relies on historical data that does not predict the impact of the current elevated cost of providing care and the increased growth in expenses due to COVID-19 related supply chain issues and labor costs. Additionally, the productivity update included in the proposed rule assumes hospitals can emulate the general economy's productivity gains. However, in reality the uncertain conditions hospitals continue to operate under due to COVID-19 have resulted in productivity declines, not gains. The overall health care industry continues to struggle to regain its footing in a changed world.

Conditions like the ones currently facing hospitals require a heightened review of payment policy. We respectfully request that CMS consider using its special exceptions and adjustments authority to make a retrospective adjustment to account for the difference between the market basket update that was implemented for FY 2022 and the current projected FY2022 market basket. In addition, we urge CMS to consider holding off on the productivity cut for FY2023. These important changes will ensure Medicare payments for acute care services more accurately reflect the cost of providing hospital care today and for the coming year.

On behalf of our hospitals and health systems nationwide, we appreciate your attention to these concerns. We look forward to working with you on these important issues.

Sincerely,



Robert Menendez
United States Senator



Kevin Cramer
United States Senator



Sherrod Brown
United States Senator



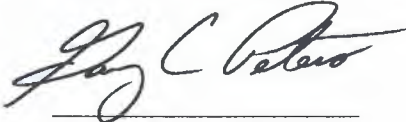
Thom Tillis
United States Senator



Kirsten Gillibrand
United States Senator



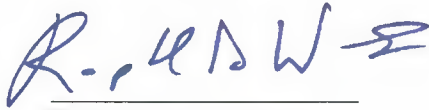
Roger Marshall, M.D.
United States Senator



Gary C. Peters
United States Senator



John Boozman
United States Senator



Raphael G. Warnock
United States Senator



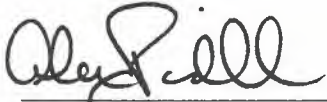
Rob Portman
United States Senator



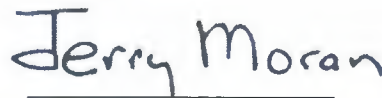
Debbie Stabenow
United States Senator



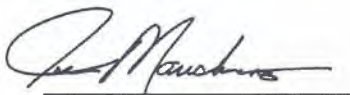
Susan M. Collins
United States Senator



Alex Padilla
United States Senator



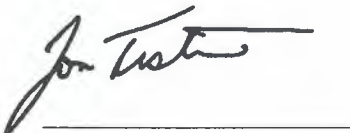
Jerry Moran
United States Senator



Joe Manchin
United States Senator



Shelley Moore Capito
United States Senator



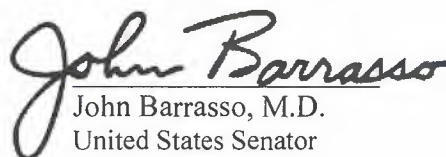
John Tester
United States Senator



M. Michael Rounds
United States Senator



Richard J. Durbin
United States Senator



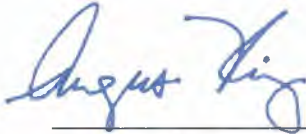
John Barrasso, M.D.
United States Senator



Jeanne Shaheen
United States Senator



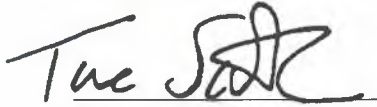
Tammy Duckworth
United States Senator



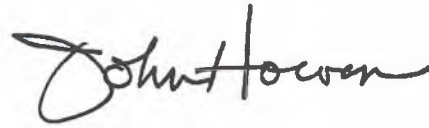
Angus S. King, Jr.
United States Senator



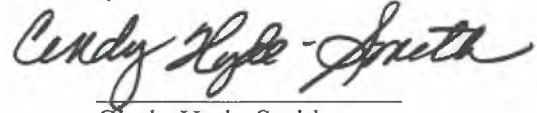
Charles E. Schumer
United States Senator



Tina Smith
United States Senator



John Hoeven
United States Senator



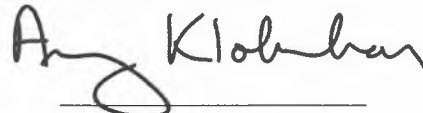
Cindy Hyde-Smith
United States Senator



Deb Fischer
United States Senator



Mark Warner
United States Senator



Amy Klobuchar
United States Senator

Senate IPPS Dear Colleague Co-Sponsors
Dated: July 26, 2022 as of 4:22 p.m.
Democrats (17); Republicans (13) – 30 Total

Alabama

Alaska

Arizona

Arkansas

Boozman, John (R)

California

Padilla, Alex (D)

Colorado

Connecticut

Delaware

Florida

Georgia

Warnock, Raphael (D)

Hawaii

Idaho

Illinois

Durbin, Dick (D)
Duckworth, Tammy (D)

Indiana

Iowa

Kansas

Marshall, Roger (R)
Moran, Jerry (R)

Kentucky

Louisiana

Maine

Collins, Susan (R)
King, Angus (D)

Maryland

Massachusetts

Michigan

Peters, Gary (D)
Stabenow, Debbie (D)

Minnesota

Klobuchar, Amy (D)
Smith, Tina (D)

Mississippi

Hyde-Smith, Cindy (R)

Missouri

Montana

Tester, Jon (D)

Nebraska

Fischer, Deb (R)

Nevada

New Hampshire

Shaheen, Jeanne (D)

New Jersey

Menendez, Bob (D) – Sponsor

New Mexico

New York

Gillibrand, Kristen (D)
Schumer, Chuck (D)

North Carolina

Tillis, Thom (R)

North Dakota

Cramer, Kevin (R)
Hoeven, John (R)

Ohio

Brown, Sherrod (D)
Portman, Rob (R)

Oklahoma

Oregon

Pennsylvania

Rhode Island

South Carolina

South Dakota

Rounds, Mike (R)

Tennessee

Texas

Utah

Vermont

Virginia

Warner, Mark R. (D)

Washington

West Virginia

Capito, Shelley (R)
Manchin, Joe (D)

Wisconsin

Wyoming

Barrasso, John (R)

House IPPS Dear Colleague Co-Sponsors
Dated: July 26, 2022 as of 4:22 p.m.
Democrats (60); Republicans (52) – 112 Total

Alabama

Aderholt, Robert B. (R)
Sewell, Terri A. (D)

Alaska

Arizona

O'Halleran, Tom (D)

Arkansas

Hill, French (R)
Crawford, Eric A. "Rick" (R)
Westermann, Bruce (R)
Womack, Steve (R)

California

Sherman, Brad (D)
Aguilar, Pete (D)
Lofgren, Zoe (D)
Correa, J. Luis (D)
Brownley, Julia (D)
Garamendi, John (D)
Costa, Jim (D)
Sanchez, Linda T. (D)
Panetta, Jimmy (D)
Oberholte, Jay (R)
DeSaulnier, Mark (D)
Thompson, Mike (D)
Barragan, Nanette (D)

Colorado

Crow, Jason (D)

Connecticut

Delaware

Florida

Salazar, Maria (R)
Gaetz, Matt (R)

Georgia

Ferguson, Drew (R)
Scott, Austin (R)
McBath, Lucy (D)

Hawaii

Idaho

Illinois

Schneider, Bradley S. (D) - Sponsor
Davis, Danny K. (D)
Bost, Mike (R)
Quigley, Mike (D)
LaHood, Darin (R)
Krishnamoorthi, Raja (D)
Schakowsky, Jan (D)
Newman, Marie (D)
Rush, Bobby (D)
Casten, Sean (D)
Kelly, Robin L. (D)

Indiana

Walorski, Jackie (R)

Iowa

Feenstra, Randy (D)
Hinson, Ashley (R)
Axne, Cindy (D)

Kansas

Mann, Tracey (R)
LaTurner, Jake (R)
Davids, Sharice (D)

Kentucky

Louisiana

Letlow, Julia (R)
Higgins, Clay (R)
Graves, Garrett (R)
Johnson, Mike (R)

Maine

Golden, Jared (D)

Maryland

Massachusetts

Lynch, Stephen (D)

Michigan

Upton, Fred (R)
Kildee, Daniel T. (D)
Moolenaar, John (R)
Stevens, Haley (D)
Huizenga, Bill (R)

Minnesota

Emmer, Tom (R)
Stauber, Pete (R)
Craig, Angie (D)

Mississippi

Guest, Michael (R)

Missouri

Smith, Jason (R)
Hartzler, Vicky (R)
Luetkemeyer, Blaine (R)
Wagner, Ann (R)
Graves, Sam (R)

Montana

Nebraska

Bacon, Don (R)

Nevada

New Hampshire

Kuster, Anne (D)

House IPPS Dear Colleague Co-Sponsors (Continued)

Dated: July 26, 2022 as of 4:22 p.m.

Democrats (60); Republicans (52) – 112 Total

New Jersey

Gottheimer, Josh (D)
Smith, Chris (R)
Norcross, Donald (D)

New Mexico

Stansbury, Melanie (D)

New York

Jacobs, Chris (R)
Katko, John (R)
Stefanik, Elise (R)
Torres, Ritchie (D)
Higgins, Brian (D)
Morelle, Joseph (D)
Clarke, Yvette (D)
Maloney, Sean Patrick (D)
Tenney, Claudia (R)
Rice, Kathleen (D)
Meng, Grace (D)
Tonko, Paul D. (D)
Espaillat, Adriano (D)
Velazquez, Nydia (D)
Garbarino, Andrew R. (R)

North Carolina

Butterfield, G. K. (D)
Ross, Deborah K. (D)

North Dakota

Ohio

Gonzalez, Anthony (R)
Ryan, Tim (D)
Brown, Shantel (D)
Joyce, Dave (R)

Oklahoma

Oregon

Schrader, Kurt (D)

Pennsylvania

Wild, Susan (D)
Keller, Fred (R)
Fitzpatrick, Brian (R)
Joyce, John M.D. (R)
Dean, Madeleine (D)
Kelly, Mike (R)
Reschenthaler, Guy (R)
Houlahan, Chrissy (D)

Rhode Island

South Carolina

Timmons IV, Williams R. (R)

South Dakota

Tennessee

Fleischmann, Chuck (R)
Burchett, Tim (R)
Rose, John (R)

Texas

Fletcher, Lizzie (D)

Utah

Vermont

Welch, Peter (D)

Virginia

Spanberger, Abigail D. (D)

Washington

Schrier, Kim, M.D (D)
Herrera Butler, Jamie (D)

West Virginia

Miller, Carol D. (R)
McKinley, David B., P.E. (R)
Mooney, Alex X. (R)

Wisconsin

Kind, Ron (D)

Wyoming