

Congress of the United States
Washington, DC 20515

May 14, 2014

The Honorable Marilyn Tavenner
Administrator
Centers for Medicare and Medicaid Services
7500 Security Boulevard
Baltimore, MD 21244

Dear Administrator Tavenner:

We write to voice our support for the April 15, 2014 Provider Reimbursement Review Board (PRRB) decision granting a request from Deborah Heart and Lung Center (“Deborah”), located in Browns Mills, New Jersey, to be reclassified as a rural hospital. We strongly believe that the PRRB was correct to grant Deborah’s request for reclassification and urge that no action be taken to overturn this decision.

As you know, New Jersey is one of only three states deemed “all urban” for Medicare purposes as a result of the state being comprised entirely of Metropolitan Statistical Areas. Despite this all-urban designation, New Jersey does have bona fide rural areas, as defined by the most recent Goldsmith Modification called the Rural-Urban Commuting Area codes. Previous attempts by Deborah to reclassify as rural based on this Goldsmith Modification were denied based on an interpretation of the Medicare statute which, if upheld, would result in New Jersey hospitals being singularly excluded by law; this discriminatory result was not intended by Congress. The PRRB’s recent decision ensures New Jersey hospitals are provided with equal treatment for rural reclassification as similarly situated to hospitals in other states would be.

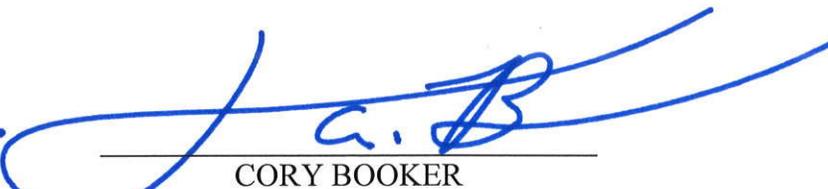
Additionally, the PRRB’s decision provided Deborah with retroactive rural status, making it effective as of July 18, 2011. Considering Deborah previously applied for Medicare Dependent Hospital (MDH) status in December 2011, it is only fair that CMS ensure the Medicare contractor provide Deborah with MDH status effective as of January 10, 2012. This would be fully consistent with the timeframe outlined by CMS in 42 C.F.R. section 412.108. Taken together, these two actions – allowing the PRRB decision to stand and ensuring the Medicare contractor honors Deborah’s MDH status as of January 2012 – will correct the years that Deborah was incorrectly not recognized as a rural hospital.

Thank you for taking our thoughts and concerns on this issue into consideration. We look forward to your timely reply and continued work to ensure providers in all states are treated equitably.

Sincerely,



ROBERT MENENDEZ
United States Senator



CORY BOOKER
United States Senator



BILL PASCRELL, JR.
Member of Congress



JON RUNYAN
Member of Congress