Congress of the United States
Washington, DC 20515

August 1, 2013

Honorable Marilyn Tavenner
Administrator
Centers for Medicare and Medicaid Services
7500 Security Boulevard
Baltimore, Maryland 21244-1850

Dear Administrator Tavenner:

We write to express our concerns about the Centers for Medicare & Medicaid Services (CMS) recently proposed rule on the End-Stage Renal Disease (ESRD) Prospective Payment System.

The new bundled payment system for dialysis has been a remarkable success in payment reform. However, as written, the new proposed rule would have a devastating impact on Medicare beneficiaries who desperately depend on dialysis treatments just to stay alive.

The proposed cut in payments in the pending rule constitute a 12% or a $30 reduction of what would otherwise be $246 prospective payment for dialysis. A cut of this magnitude to an industry that, according to the Medicare Payment Advisory Commission, has just 3-4% Medicare margins, could result in closure of dialysis facilities and a reversal of many recent gains that have been made in improving quality of care and mortality for dialysis patients.

It is our concern that CMS has not considered its full statutory obligations in developing this proposal; it is critical to take analyze the costs of providing dialysis care. As you are aware, CMS has an obligation to link the payment rate to facility costs or other economic and equitable factors. As you move toward finalizing the rule, we hope that the Agency will consider the full impact of the proposed changes in order to ensure that the final payment amount is not less than the cost of providing care.

Again, the new bundled payment system for dialysis shows the great strides we have made, and can make again. We should not let the next rule negatively impact beneficiaries who rely on these critical services. Thank you for your consideration of our comments.

Sincerely,

Diane Black
Member of Congress

John Lewis
Member of Congress

John Shimkus
Member of Congress

Ben Ray Luján
Member of Congress

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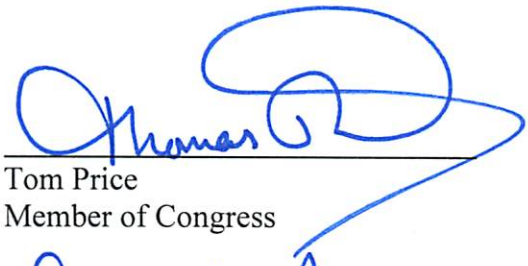

Tom Price
Member of Congress

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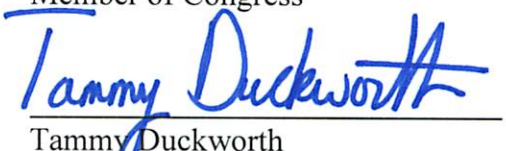
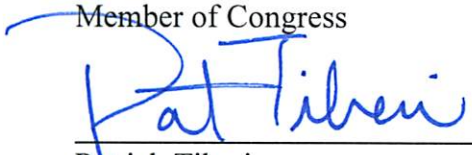


Tammy Duckworth
Member of Congress



Patrick Tiberi
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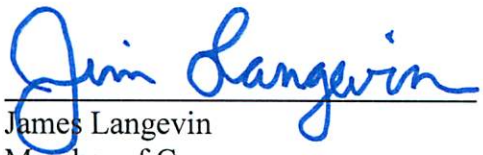
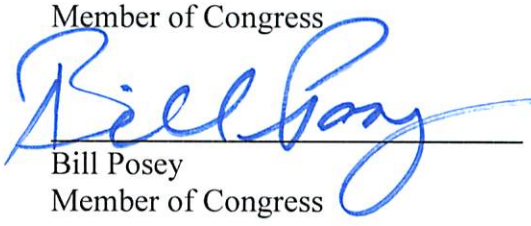


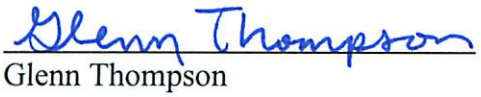
James Langevin
Member of Congress

Lou Barletta
Member of Congress

Blake Farenthold
Member of Congress



Bill Posey
Member of Congress



Glenn Thompson
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Jim Renacci
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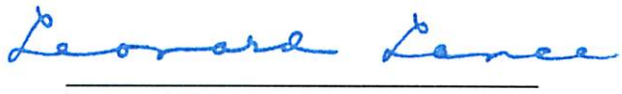

Leonard Lance
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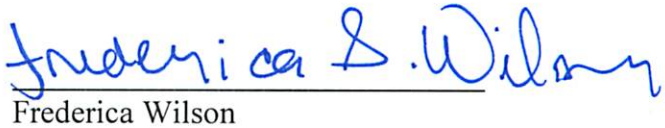
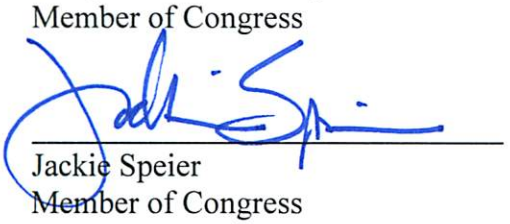
Cathy McMorris Rodgers
Member of Congress



Frederica Wilson
Member of Congress



Jackie Speier
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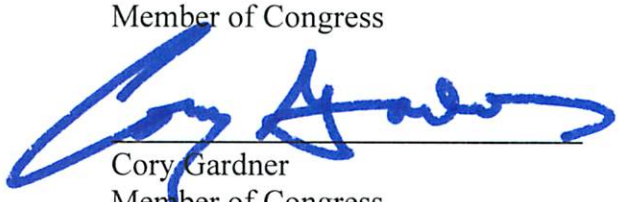

Cory Gardner
Member of Congress

Vern Buchanan
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Corrine Brown
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Mike Rogers
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Eleanor Holmes Norton
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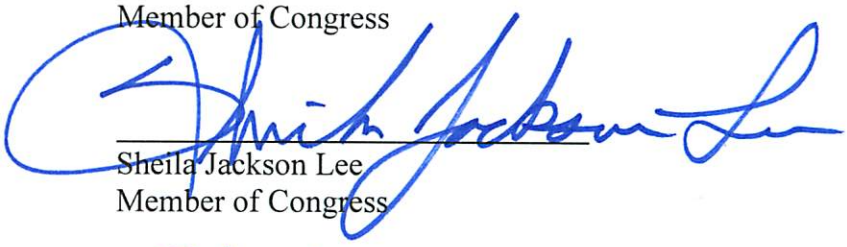
Danny Davis
Member of Congress



Sheila Jackson Lee
Member of Congress

Greg Walden
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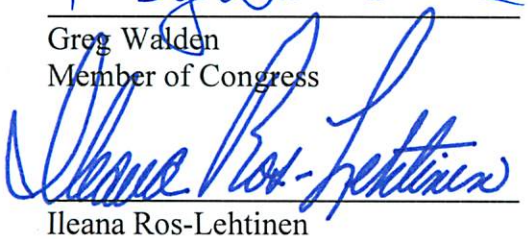
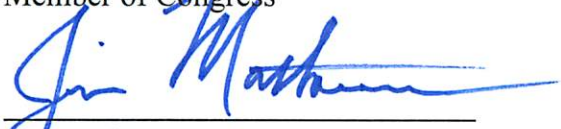
John Barrow
Member of Congress



Ileana Ros-Lehtinen
Member of Congress

Richard Neal
Member of Congress



Jim Matheson
Member of Congress

Joe Wilson
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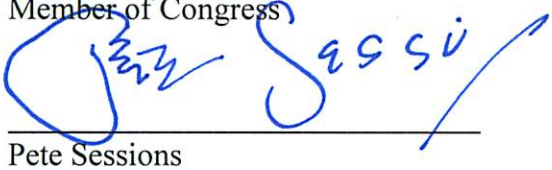
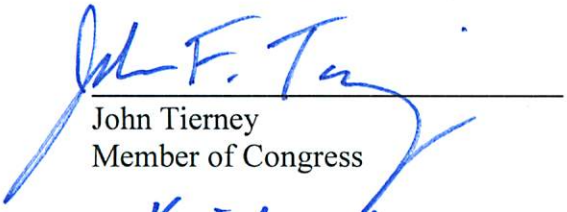
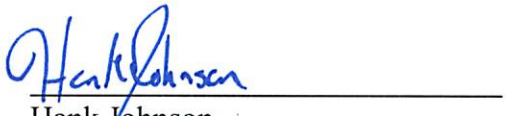


Pete Sessions
Member of Congress

Elijah Cummings
Member of Congress



John Tierney
Member of Congress



Hank Johnson
Member of Congress

Keith Ellison
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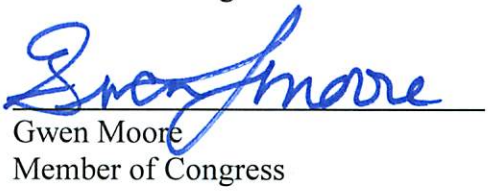
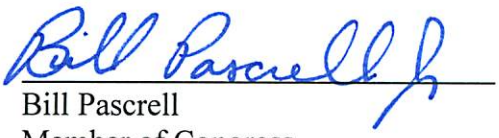


Gwen Moore
Member of Congress



Bill Pascrell
Member of Congress

Chris Smith
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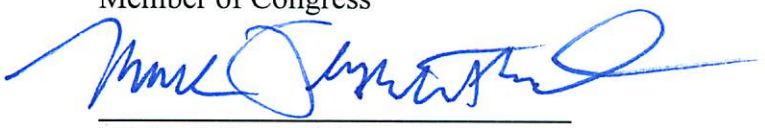

Michael Fitzpatrick
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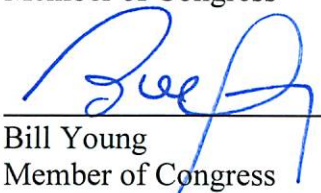

Bill Young
Member of Congress

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Adam Schiff
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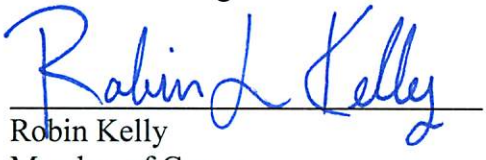

Robin Kelly
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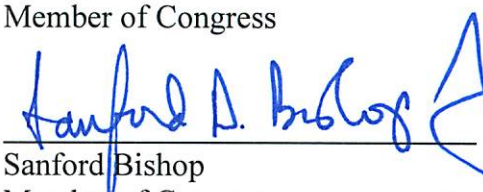
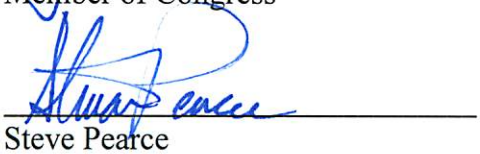
John Conyers
Member of Congress



Sanford Bishop
Member of Congress



Steve Pearce
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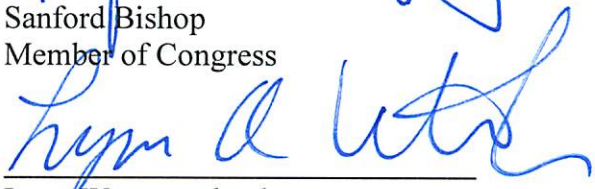

Lynn Westmoreland
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Doris Matsui
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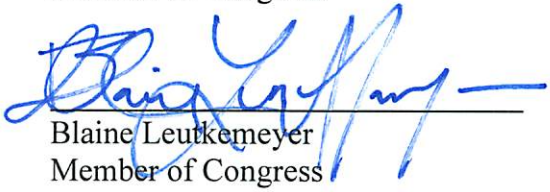

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Lee Terry
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Marcia Fudge
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Charles Rangel
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Shelley Moore Capito
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Robert Aderholt
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Janice Hahn
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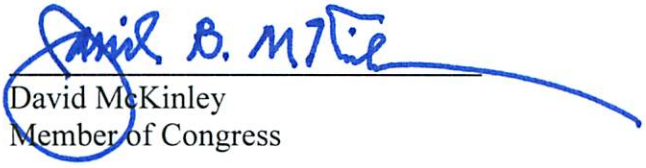
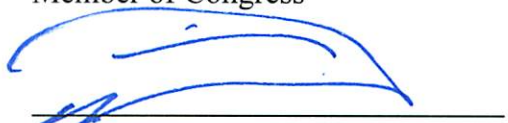
Phil Roe
Member of Congress

Karen Bass
Member of Congress

Tom Marino
Member of Congress



David McKinley
Member of Congress



Scott DesJarlais
Member of Congress

Tom Cotton
Member of Congress

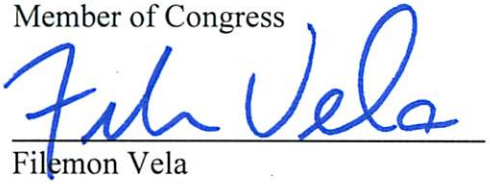
Joyce Beatty
Member of Congress

Renee Ellmers
Member of Congress

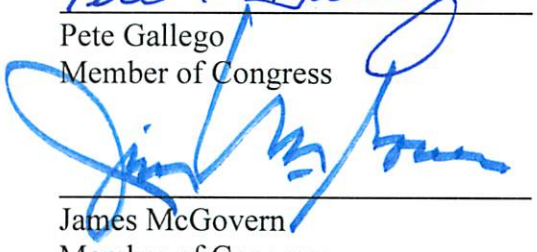
Martha Roby
Member of Congress

Alan Grayson
Member of Congress

Pete Gallego
Member of Congress



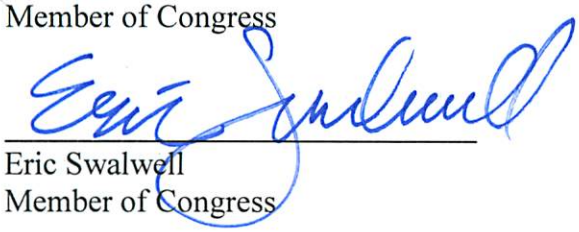
Filemon Vela
Member of Congress



James McGovern
Member of Congress

Suzanne Bonamici
Member of Congress

Phil Gingrey
Member of Congress



Eric Swalwell
Member of Congress

Tulsi Gabbard
Member of Congress

Keith Rothfus
Member of Congress

Luke Messer
Member of Congress

Elizabeth Etsy
Member of Congress

Ted Yoho
Member of Congress

Michael Grimm
Member of Congress

David Valadao
Member of Congress

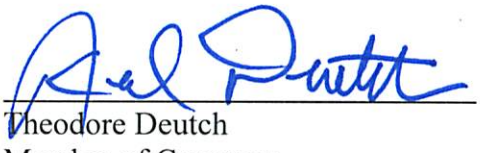
Todd Young
Member of Congress

Devin Nunes
Member of Congress

Julia Brownley
Member of Congress

Steve Stivers
Member of Congress

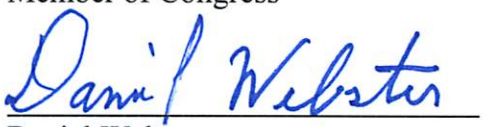
Vicky Hartzler
Member of Congress



Theodore Deutch
Member of Congress

Lynn Jenkins
Member of Congress

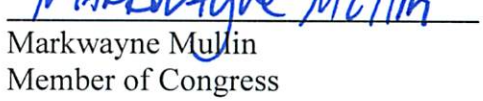
Kevin Cramer
Member of Congress



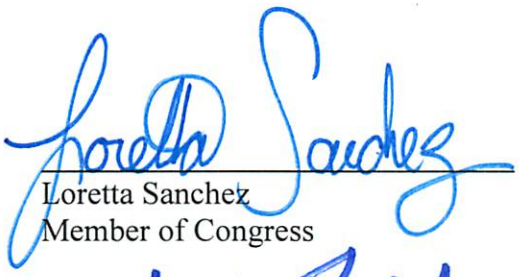
Daniel Webster
Member of Congress

Morgan Griffith
Member of Congress

Kenny Marchant
Member of Congress



Markwayne Mullin
Member of Congress



Loretta Sanchez
Member of Congress

Chris Collins
Member of Congress

Stephen Lee Fincher
Member of Congress

Dave Reichert
Member of Congress

Jaime Herrera Beutler
Member of Congress

Bill Cassidy
Member of Congress

Sean Duffy
Member of Congress

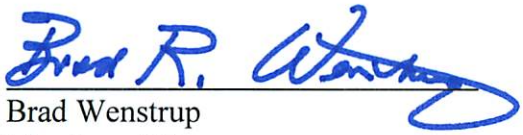
Jerry McNerney
Member of Congress

Pedro Pierluisi
Member of Congress

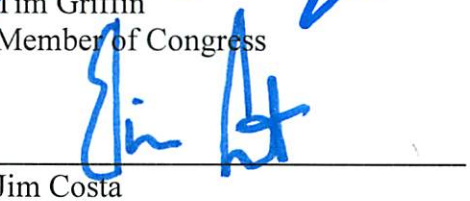
Adam Kinzinger
Member of Congress

Allyson Schwartz
Member of Congress

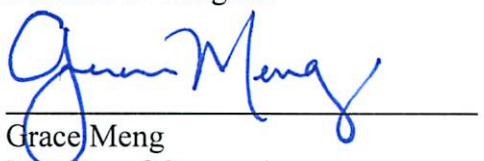
Tim Griffin
Member of Congress



Brad Wenstrup
Member of Congress

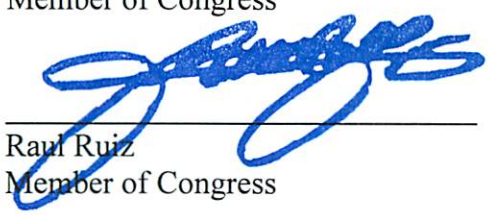


Jim Costa
Member of Congress



Grace Meng
Member of Congress

Chellie Pingree
Member of Congress



Raul Ruiz
Member of Congress

Steven Horsford
Member of Congress

Zoe Lofgren
Member of Congress

Trey Gowdy
Member of Congress

Ami Bera
Member of Congress

Ed Perlmutter
Member of Congress

Michael Capuano
Member of Congress

Matt Cartwright
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Tim Ryan
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Alan Nunnelee
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Derek Kilmer
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Charles Boustany
Member of Congress

Andy Barr
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Jared Polis
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Joe Crowley
Member of Congress

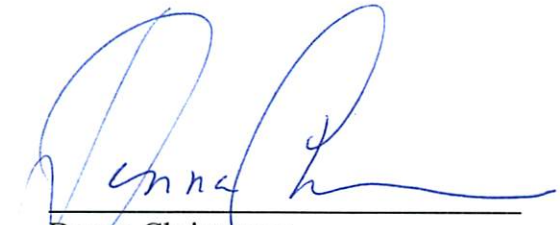
Joe Garcia
Member of Congress

Tom Reed
Member of Congress

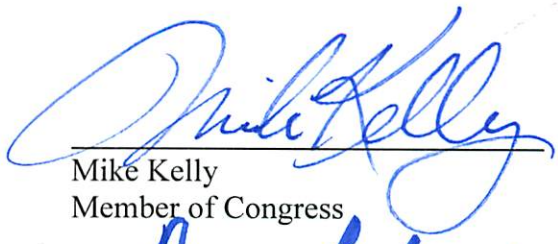
Susan Brooks
Member of Congress

Mark Takano
Member of Congress

Tony Cardenas
Member of Congress



Donna Christensen
Member of Congress



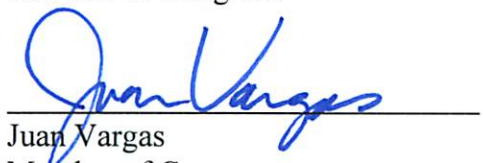
Mike Kelly
Member of Congress

Judy Chu
Member of Congress

Dave Loebsack
Member of Congress

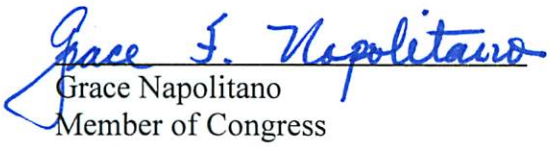
Carol Shea-Porter
Member of Congress

David Joyce
Member of Congress

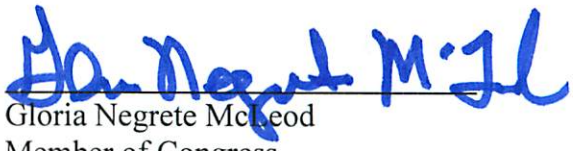


Juan Vargas
Member of Congress

Gary Peters
Member of Congress

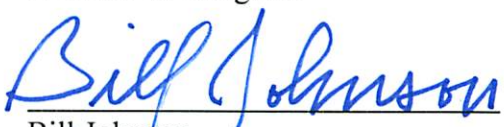


Grace Napolitano
Member of Congress



Gloria Negrete McLeod
Member of Congress

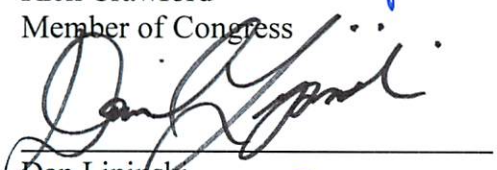
Chris Van Hollen
Member of Congress



Bill Johnson
Member of Congress

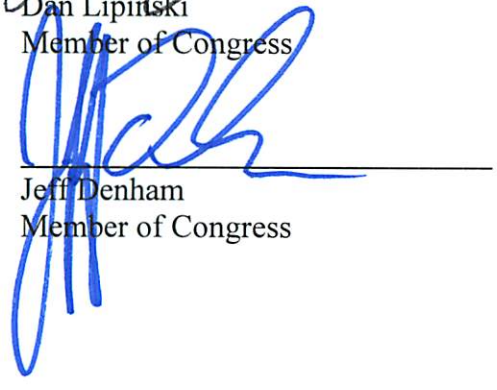
Rick Crawford
Member of Congress

Michael Honda
Member of Congress



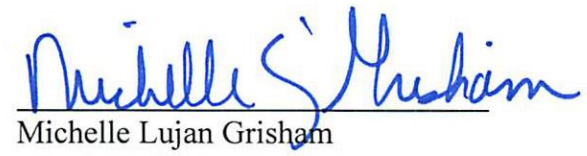
Dan Lipinski
Member of Congress

Richard Nugent
Member of Congress



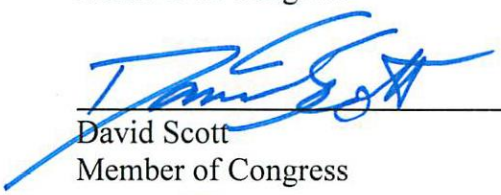
Jeff Denham
Member of Congress

Rodney Davis
Member of Congress



Michelle Lujan Grisham
Member of Congress

Marsha Blackburn
Member of Congress



David Scott
Member of Congress

Mike Thompson
Member of Congress

Todd Rokita
Member of Congress

Colleen Hanabusa
Member of Congress

Mike Doyle
Member of Congress

Cedric Richmond
Member of Congress

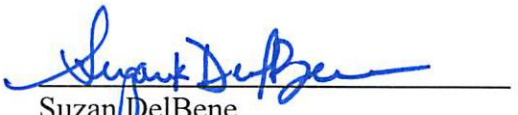
Tim Bishop
Member of Congress

Brett Guthrie
Member of Congress

Pete Olson
Member of Congress

Rodney Alexander
Member of Congress

Brad Schneider
Member of Congress

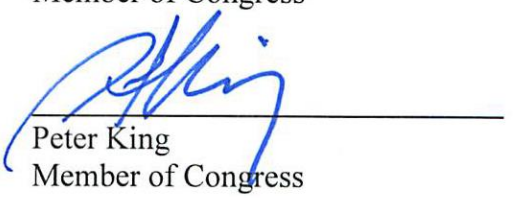


Suzan DelBene
Member of Congress

Candice Miller
Member of Congress

Dan Kildee
Member of Congress

Aaron Schock
Member of Congress



Peter King
Member of Congress

Mike Coffman
Member of Congress

Donna Edwards
Member of Congress

Robert Latta
Member of Congress

Andre Carson
Member of Congress

Charlie Dent
Member of Congress

Brian Higgins
Member of Congress

Bennie Thompson
Member of Congress

Gene Green
Member of Congress

Bob Goodlatte
Member of Congress

Ron Kind
Member of Congress

Scott Perry
Member of Congress

Stephen F. Lynch
Member of Congress

Scott Tipton
Member of Congress

Michael T. McCaul
Member of Congress

William Keating
Member of Congress

Gregg Harper
Member of Congress

Ted Poe
Member of Congress

Gus Bilirakis
Member of Congress

John Fleming, M.D.
Member of Congress

Maxine Waters
Member of Congress

J. Randy Forbes
Member of Congress