



**American Hospital
Association**

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The Honorable Robert Menendez
United States Senate
528 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Menendez:

On behalf of our nearly 5,000 member hospitals, health systems and other health care organizations, and our 43,000 individual members, the American Hospital Association (AHA) is pleased to support your legislation, the Two-Midnight Rule Coordination and Improvement Act of 2014 (S. 2082), to delay enforcement of the Medicare inpatient admission and review criteria (the two-midnight policy).

The two-midnight policy undermines the medical judgment of physicians and disregards the level of care actually needed to safely treat a patient. Moreover, the two-midnight policy has been impossible for hospitals and physicians to come into compliance with – providers need additional time to evaluate and potentially change many internal policies, update existing electronic medical records systems and alter work flow processes to ensure compliance. The Centers for Medicare & Medicaid Services' (CMS) recent action to extend its enforcement moratorium on the two-midnight policy until Oct. 1, 2014, clearly recognizes that there are still many unanswered questions. CMS has issued only minimal guidance – most of which lacks clarity and only raises new questions for providers.

We believe that the only workable approach is to continue the enforcement delay of the two-midnight policy, as your legislation envisions. During this delay, CMS should convene a meeting with affected stakeholders to develop alternate policy solutions that would address the related issues this policy has created for hospitals, physicians and patients. S. 2082 directs CMS to implement a new criterion that will both address this trend and adequately provide for the intense, inpatient-level services currently provided by hospitals to Medicare beneficiaries that are reasonable and necessary but do not appear on the inpatient-only list and are not expected to span two midnights.

We appreciate your leadership in introducing legislation on this issue. The AHA looks forward to working with you to ensure its enactment.

Sincerely,

Rick Pollack
Executive Vice President

