

YOUR ADVOCACY MESSAGE TO YOUR ELECTED OFFICIALS

“PROTECT PATIENT ACCESS TO MEDICAL REHABILITATION”

BECAUSE:

- ✓ **CMS’ list of approved conditions within the 75% Rule is too restrictive and outdated.** Patients with conditions outside that list are denied vital rehabilitation services in order for rehabilitation hospitals and units to comply with the Rule. And because the Rule was published over 20 years ago, newer rehabilitation specialties such as cardiac, pulmonary, pain and cancer are not included in the qualifying conditions.

The effect is that hospitals are forced to use the so-called “75% Rule” to determine an individual patient’s admission rather than the actual medical condition of the patient.

- ✓ **The adverse impact of the flawed 75% Rule regulation is far greater than anticipated and the impact continues to grow.** The government projected first year cuts of \$10 million to rehabilitation hospitals and units, affecting 1,751 patients. In the first year of implementation at the 50 percent threshold, approximately 40,000 patients were adversely affected and cuts to rehabilitation hospitals and units amounted to an estimated \$212 million. Claims data now indicate that approximately 100,000 Medicare patients did not receive inpatient rehabilitation services in the first two years since the 75 Percent Rule was re-implemented.
- ✓ **Inpatient rehabilitation admission decisions should be based on an individual’s clinical characteristics – diagnosis, comorbidities, level of cognitive and physical function, strength, and other factors – not solely arbitrary diagnostic categories.** Local coverage determinations (LCD)—varying interpretations of Medicare that can severely restrict the type of patient seen in a rehabilitation hospital—and other contractor actions are significantly altering rehabilitation hospital and unit admission practices and affecting the quality of patient care.



YOUR MISSION:

- **Ensure that your Members of Congress have become co-sponsors of S. 543 and H. R. 1459.**

- **Ask your elected officials to go to House and Senate leadership and express their strong support for H.R. 3162 or any other legislative vehicle that includes language to protect America's inpatient rehabilitation hospitals and units.** The legislation should include language which:
 - Permanently fixes the 75% Rule threshold at 60 percent;
 - Seeks common sense, physician-based medical necessity reviews involving inpatient medical rehabilitation experts;
 - Eliminates or prevents any proposal that reduces reimbursements for specific diagnostic categories to inpatient rehabilitation hospitals and units; and
 - Requests a full market basket update for rehabilitation hospitals and units in order for these hospitals to have adequate resources to provide the necessary care to some of Medicare's most vulnerable patients.