

United States Senate

WASHINGTON, DC 20510

May 17, 2013

Marilyn Tavenner
Administrator
Centers for Medicare and Medicaid Services
U.S. Department of Health and Human Services
200 Independence Avenue, SW
Washington, DC 20201

Dear Administrator Tavenner:

We are writing to you today to make sure that the recently enacted provisions in the American Taxpayer Relief Act requiring adjustments to the End-Stage Renal Disease (ESRD) bundle do not negatively impact the sustainability of this vital program.

Medicare provides insurance coverage for nearly 80 percent of individuals with ESRD on dialysis. The Congress and the Agency have worked collaboratively for many years to create a viable ESRD payment system to improve quality, to decrease mortality, and to align payment with the appropriate incentives. While Congress has asked for an adjustment to the payment to account for lower utilization of certain ESA drugs, we do not intend for this adjustment to undercut the vital progress that has been made in stabilizing and improving the ESRD system. CMS has been a partner with Congress and the community in this joint effort in which we can all take some pride. We must now work together to assure that appropriate payment adjustments are made in a manner that does not gut this crucial service for vulnerable beneficiaries. Unlike other Medicare providers, the ESRD community has little ability to shift costs around the system.

We are concerned that if the Agency does not exercise caution (which it has the statutory authority to do), the adjustment could threaten the improvements made to the Medicare ESRD program and jeopardize beneficiary access to care. The adjustment should not reduce payments to a level less than the cost of providing care. CMS must remain accountable to beneficiaries who depend on Medicare coverage to receive life-saving dialysis care.

We appreciate your attention to these concerns. Please feel free to contact us with any questions.

Sincerely,



Benjamin L. Cardin
United States Senator



Michael Crapo
United States Senator



Michael F. Bennet
United States Senator



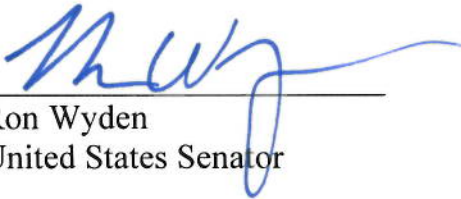
John Thune
United States Senator



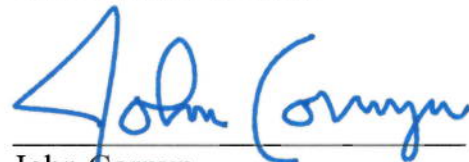
Bill Nelson
United States Senator



Richard Burr
United States Senator



Ron Wyden
United States Senator



John Cornyn
United States Senator



Robert P. Casey
United States Senator



Johnny Isakson
United States Senator



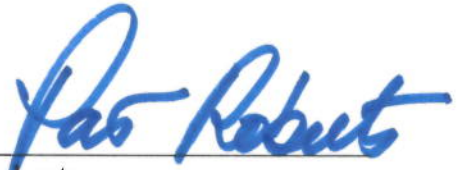
Debbie Stabenow
United States Senator



Mike Enzi
United States Senator



Robert Menendez
United States Senator



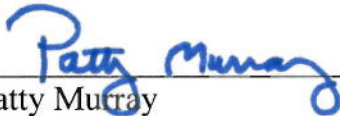
Pat Roberts
United States Senator



Maria Cantwell
United States Senator



Charles Schumer
United States Senator



Patty Murray
United States Senator