

**Congress of the United States**  
**Washington, DC 20515**

April 16, 2020

Secretary Alex Azar  
U.S. Department of Health and Human  
Services  
Hubert Humphrey Building, Room 416 G  
200 Independence Avenue, SW  
Washington, D.C. 20201

Administrator Seema Verma  
Centers for Medicare and Medicaid Services  
(CMS)  
U.S. Department of Health and Human Services  
Hubert Humphrey Building, Room 337H  
Washington, D.C. 20201

Dear Secretary Azar and Administrator Verma:

We write with regard to the disbursement methodology to hospitals and other healthcare providers for the Public Health and Social Services Emergency Fund (PHSSE) appropriated in the *CARES Act* to address the novel coronavirus (COVID-19) pandemic. We appreciate the quick disbursements of funds for the first tranche, and we urge you to provide funding in the second tranche that accounts for a payor mix that includes sources beyond Medicare fee-for-service (FFS), including accounting for states and jurisdictions with higher levels of Medicaid and Medicare Advantage enrollment that are quickly becoming hot spots for COVID-19.

The PHSSE is intended to infuse emergency relief to providers as they incur substantial expenses, and revenue losses, in the battle against COVID-19. The initial \$30 billion disbursement is based on its proportionate share of Medicare FFS payments nationally. Unfortunately, allocating the funds to hospitals and other providers based on their Medicare FFS payments hurts hospitals that care for disproportionate numbers of patients enrolled in Medicare Advantage and Medicaid, as well as those receiving charity care. The second tranche of funding must help to address those providers whose payor mixes skew towards payors other than Medicare FFS, including from Medicare Advantage and Medicaid. In six states (FL, HI, MN, OR, PA, and WI) and Puerto Rico, more than 40 percent of Medicare beneficiaries are enrolled in a Medicare Advantage plan. In Miami-Dade County alone, Medicare Advantage enrollees account for 66 percent of the Medicare population.

The consequential impact of the initial \$30 billion allocation from the PHSSE is compounded by the fact that the Medicare Accelerated and Advance Payment Program also fails to adequately consider providers with higher percentages of Medicare Advantage and Medicaid patients. The Medicare Accelerated and Advance Payment Program was also created by the *CARES Act* to enable providers to request up to a six-month lump sum or periodic payment from Medicare to offset revenue losses and expenses related to the pandemic. Because both the accelerated payment model and the PHSSE funding rely on Medicare FFS payments, those

providers who serve a high percentage of Medicare Advantage and Medicaid patients receive limited cash flow assistance and may not have the resources they need to combat this pandemic.

Healthcare workers at hospitals are selflessly risking their lives each day working at these facilities and they cannot afford to wait. We must give our hospitals the assurance that their budgets will remain intact so they can continue to focus their efforts on ensuring that they have the resources needed to protect their workforce. Medical staff critical to the operation of our healthcare facilities, and patients that rely on their services, deserve to know that their jobs and ability to seek life-saving care are not at an immediate risk from unequal funding allocation.

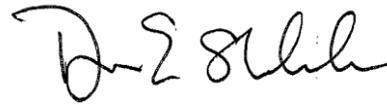
We urge you to disburse the next tranche of funding equitably and to quickly give Congress the information needed to assess additional funding that is required in future legislative packages so hospitals can continue to provide the live-saving care Americans deserve.

Thank you for your attention to this important matter.

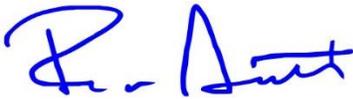
Sincerely,



Marco Rubio  
U.S. Senator



Donna E. Shalala  
Member of Congress



Rick Scott  
U.S. Senator



Stephanie Murphy  
Member of Congress



Mario Diaz-Balart  
Member of Congress



Ted Deutch  
Member of Congress



Vern Buchanan  
Member of Congress



Darren Soto  
Member of Congress



Debbie Wasserman Schultz  
Member of Congress



Debbie Mucarsel-Powell  
Member of Congress



Frederica Wilson  
Member of Congress



John H. Rutherford  
Member of Congress



Francis Rooney  
Member of Congress



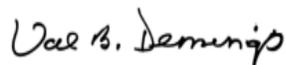
Alcee L. Hastings  
Member of Congress



Charlie Crist  
Member of Congress



Daniel Webster  
Member of Congress



Val B. Demings  
Member of Congress



Jenniffer Gonzalez-Colon  
Member of Congress



Ross Spano  
Member of Congress



Lois Frankel  
Member of Congress



Kathy Castor  
Member of Congress



Neal Dunn, M.D.  
Member of Congress



Al Lawson, Jr.  
Member of Congress



Michael Waltz  
Member of Congress



Matt Gaetz  
Member of Congress



Bill Posey  
Member of Congress