

United States Senate

WASHINGTON, DC 20510

May 26, 2006

The Honorable Bill Frist, MD
Majority Leader, United States Senate
509 Senate Hart Office Building
Washington DC 20510

The Honorable Charles E. Grassley
Chairman, Senate Finance Committee
135 Senate Hart Office Building
Washington DC 20510

Dear Majority Leader Frist and Chairman Grassley:


On behalf of the undersigned Members of Congress, we write to request your full consideration of the need for passage of legislation in 2006 to address the Medicare outpatient therapy caps. In the 109th Congress, legislation to repeal the caps has gained the support of more than 40 Members of the United States Senate and more than 40 organizations representing clinicians, patients, and disease advocacy groups. If Congress fails to act this year, the arbitrary therapy caps will return on January 1, 2007, and will result in restricted access to rehabilitation services and a shift in patients and costs to inpatient settings.

These caps were placed on outpatient physical therapy, occupational therapy, and speech language pathology services as part of the Balanced Budget Act of 1997. Since this time, Congress has acted three times to place a moratorium on the therapy caps. These caps went back into effect on January 1, 2006. Fortunately, under your leadership, Congress passed legislation as part of the Deficit Reduction Act of 2005 that provided beneficiaries with a clinically based exceptions process to this financial limitation on rehabilitation services under Medicare. While problems have arisen during the launch of the exceptions process, we believe that, if those problems are rectified, this process remains a viable option for ensuring access to medically necessary therapy services in a fiscally responsible manner.

Since the Deficit Reduction Act authorized the exceptions process only for 2006, we respectfully request an extension of this exceptions process for at least the 2007 calendar year. This will allow the Centers for Medicare and Medicaid Services to continue to monitor the implementation of this policy and assist in the development of a long-term alternative to the therapy cap. We appreciate your consideration of this request to extend the exceptions process beyond 2006.

Sincerely,


John Ensign
U.S. Senator


Blanche L. Lincoln
U.S. Senator

Chris Dodd

Sally Chablis

Jim Talent

John Thune

Jim DeMint

Patty Murray

Mark Dayton

P. L. Chafee

~~Rob. Bennett~~

Susan M. Collins

Max Baucus

Debbie Stabenow

Hillary Rodham Clinton

Tom F. Kelly

John Warner

L. Scott Brown

Govt. ~~Wax~~

John E. Sununu

Mike DeWine

Dick Durbin

Jim Jeffords

Kick Sutorius

~~James~~

Chris Hatch

Frank R. Lankenberg

Byron L. Day

Paul Sarbanes

Kent Conrad

Samuel H. Hata

Arlen Specter
Therapy Caps

Ken Salazar

Jack Reed

Mary H. Landau

Allyson S. Sheps

Robert M. Menendez

Don Wyden

Chuck Schumer

Robert A. Menendez

Ed Kennedy

John Johnson

Jon Lieber

Tom Harkin

E. Benjamin Johnson

Barbara Boxer

M. Hironaka