



August 25, 2022

The Honorable Chiquita Brooks-LaSure, Administrator
Centers for Medicare and Medicaid Services
Attention: CMS-3419-P
P.O. Box 8016
Baltimore, MD 21244-8010

Dear Administrator Brooks-LaSure:

On behalf of the National Association of Rural Health Clinics (NARHC) and the over 5,200 federally certified Rural Health Clinics (RHC) in the United States, we are pleased to provide the following comments on the proposed Medicare and Medicaid Programs; Conditions of Participation (CoPs) for Rural Emergency Hospitals (REH) and Critical Access Hospital CoP Updates. Our comments are focused on the Rural Emergency Hospital (REH) Provider Type.

Rural Emergency Hospital (REH) Provider Type

We are pleased to see the efforts from CMS to retain quality, emergency care in rural, underserved communities by proposing REH Conditions of Participation that align with Congressional intent as established in the Consolidated Appropriations Act of 2021.

We urge CMS to make it explicitly clear in the CoPs that Critical Access Hospitals and small rural hospitals that convert to REHs may retain ownership of rural health clinics. As stated in the CAA of 2021, “a rural emergency hospital may be considered a hospital with less than 50 beds for purposes of the exception to the payment limit for rural health clinics under section 1833(f).” To ensure consistency with legislative intent, CMS must provide clarifying guidance regarding REH operation of provider-based RHCs, including their ability to maintain the grandfathered payment rates of those clinics that meet the qualifications in section 1833(f)(3)(B) of the Social Security Act.

This would ensure that conversion to the REH provider type, when most appropriate for a CAH or small rural hospital, does not adversely impact their outpatient RHCs, and the overall care of the communities they serve.

Conclusion

Your consideration of these comments/questions is appreciated. Should you have any questions or need any additional information, please do not hesitate to contact Sarah Hohman at (202) 544-1880.

Sincerely,

Sarah Hohman

Sarah Hohman
Director of Government Affairs
National Association of Rural Health Clinics