



**Association of
American Medical Colleges**
2450 N Street, N.W., Washington, D.C. 20037-1127
T 202 828 0400 **F** 202 828 1125
www.aamc.org

VIA ELECTRONIC SUBMISSION

June 1, 2009

Ms. Charlene Frizzera
Acting Administrator
Centers for Medicare & Medicaid Services
Department of Health and Human Services
Hubert H. Humphrey Building
200 Independence Avenue, S.W., Room 445-G
Washington, DC 20201

Attention: **CMS—2287-P2**

Dear Ms. Frizzera:

The Association of American Medical Colleges (AAMC) welcomes this opportunity to comment on the Centers for Medicare and Medicaid Services' (CMS or the Agency) proposed rule entitled "*Medicaid Program: Rescission of School-Based Services Final Rule, Outpatient Services Definition Final Rule, and Partial Rescission of Case Management Services Interim Final Rule.*" 86 Fed. Reg. 21232 (May 6, 2009). The Association's Council of Teaching Hospitals and Health Systems (COTH) comprises nearly 300 general acute nonfederal major teaching hospitals and health systems and 19 children's hospitals that receive Medicaid funding. While representing just 6 percent of all hospitals, COTH nonfederal teaching hospitals treat 28 percent of all Medicaid discharges and provide 41 percent of total hospital charity costs. The Association also represents all 129 accredited U.S. allopathic medical schools; 94 professional and academic societies; 90,000 full-time clinical faculty; and the nation's medical students and residents.

We write in support of the proposed rescission of the December 28, 2007, final rule changing Medicaid policy for federal reimbursement of Medicaid hospital outpatient services. In previous correspondence, the AAMC expressed serious concern regarding the policies contained in this rule, because they substantially departed from long-standing Medicaid policy regarding the definition of Medicaid outpatient hospital services and put services such as physician emergency department services and occupational and speech therapies at risk for not being reimbursed through hospital outpatient programs. The AAMC agrees with CMS that there are "many complex questions surrounding these issues" and believes it is a wise policy decision to rescind these rules at this time.

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In this period of economic downturn, ensuring adequate Medicaid payments is critically important to providing much-needed care to at-risk populations. The AAMC is grateful to your commitment to recognizing the difficulties posed by these three rules and fully supports their rescission.

If you have any questions about our comments, please contact Lori Mihalich-Levin at 202-828-0599 or lmlevin@aamc.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Karen Fisher". The signature is written in a cursive, flowing style.

Karen Fisher, J.D.

Senior Director, Health Care Affairs

cc: Joanne M. Conroy, M.D., Chief Health Care Officer, AAMC