

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

February 5, 2010

Cindy Mann, Director of Center for Medicaid and State Operations  
Centers for Medicare & Medicaid Services  
200 Independence Ave. SW.  
Washington, D.C. 20205

Dear Ms Mann:

Congratulations on your appointment as Director of Medicaid and State Operations for Centers for Medicare and Medicaid Services. We are writing to you to request a meeting to discuss issues around claims processing and payment for elders who are dually eligible for Medicare and Medicaid.

As you are aware, between 2002 and 2008, there was a "Demonstration Project of HHA Settlement for Dual Eligibles" for Massachusetts, Connecticut and New York. This project was initiated by CMS with Congressional, state and industry support. All parties at the time recognized home health providers were caught in a costly and ineffective reimbursement battle between the federal and state governments. One of the goals of the project, to replace case by case reviews with a sampling approach, has been achieved and proven most efficient. Annual review of two hundred cases per state has been a better systemic solution than previous practices in which thousands of cases, with immense red tape, making their way through multiple levels of review and appeal.

Seven years after the initiation of the project, the demonstration project has not yet fully realized the promise of "examining the dual eligible population," nor has it developed the anticipated "explanatory materials" that CMS originally called a "key component" of the project. Educational activity has yet to provide meaningful information around the most contested situations.

While we appreciate CMS' position that there is now sufficient data to analyze the demonstration and ultimately perform an evaluation of the project, we are very concerned about the practical effect of ending the sampling process without a viable alternative for states and providers moving forward. We continue to believe that with more time and focus, the lessons to be learned and potential policy clarifications coming out of this demonstration could have relevance across states outside of those in the demonstration.

We look forward to hearing from you as to your availability to meet as legislative and claims processing deadlines are looming.

Sincerely,



James P. McGovern  
Member of Congress



John Olver  
Member of Congress



Eric J. J. Massa  
Member of Congress



Barney Frank  
Member of Congress



Michael E. Capuano  
Member of Congress



Gary J. Ackerman  
Member of Congress



Bill Delahunt  
Member of Congress



Stephen F. Lynch  
Member of Congress



Niki Tsongas  
Member of Congress



Edward J. Markey  
Member of Congress