



Administrator
Washington, DC 20201

May 3, 2023

The Honorable Shelley Moore Capito
United States Senate
Washington, DC 20510

Dear Senator Capito:

Thank you for your letter regarding the Centers for Medicare & Medicaid Services' (CMS) implementation of section 4143 of the Consolidated Appropriations Act (CAA), 2023. I appreciate hearing from you on this important issue.

Section 4143 of the CAA 2023 amended section 1886(l)(2)(B) of the Social Security Act to suspend for calendar years 2010 through 2019 the statutory \$60 million annual payment limit on additional Medicare payments to hospitals for nursing and allied health education that was in effect prior to the enactment of the CAA 2023. This provision applies to hospitals that, as of December 29, 2022, were operating a school of nursing, a school of allied health, or a school of nursing and allied health. On April 10, 2023, CMS issued the fiscal year (FY) 2024 Medicare Hospital Inpatient Prospective Payment Systems (IPPS) and Long-Term Care Hospital (LTCH) Prospective Payment System proposed rule. In this rule, CMS proposed a methodology to implement section 4143 of the CAA 2023. The public comment period for the FY 2024 IPPS/LTCH PPS proposed rule is open through June 9, 2023. CMS will carefully consider all comments that we receive during the comment period before making final policy decisions and issuing the final rule. CMS will include its final policies in the final rule, along with a summary of the comments and our responses.

In response to hospital requests for quick implementation, on March 16, 2023, CMS issued Change Request (CR) 13122, "Implementation of Consolidated Appropriations Act of 2023, Section 4143: Waiver of Cap on Annual Payments for Nursing and Allied Health Education Payments." In this CR, CMS provided a method for the Medicare Administrative Contractors to provide interim payments to eligible hospitals while CMS conducts the notice and comment rulemaking necessary to implement the provision.

I appreciate your interest in this important issue and welcome your input as we work towards our mutual goal of strengthening the Medicare program for all beneficiaries. If you have further thoughts or questions, please have your staff contact the CMS Office of Legislation. I will also provide this response to the co-signers of your letter.

Sincerely,

A handwritten signature in blue ink that reads "Chiquita Brooks-LaSure".

Chiquita Brooks-LaSure