October 4, 2004

Mark B. McClellan, M.D., Ph.D., Administrator
Centers for Medicare and Medicaid Services
U.S. Department of Health and Human Services
Baltimore, MD 21244-8014

Dear Administrator McClellan:

As members of the Congressional Hispanic Caucus, we are writing to express our concern over Medicare’s payment policy for the treatment of patients suffering from End Stage Renal Disease (ESRD). Many health problems that impact Hispanics, such as diabetes, heart disease, and peripheral vascular disease (PVD), can lead to kidney failure. A disproportionately large number of Hispanic-Americans have and are being treated for ESRD.

We are concerned that the Centers for Medicare and Medicaid Services (CMS) has proposed a rule that sets payments for separately billable drugs and biologics at 3% below the Average Sales Price (ASP), drastically increasing the financial burden on small and independent dialysis centers.

The CHC is concerned about patient access to dialysis centers and believes the proposed rule may lead to the closure of these centers. As dialysis centers close, especially those who serve medically underserved populations, patients will be faced with either traveling long distances three times a week, or foregoing treatment.

We urge you to revise the payment formula so that the final rule reflects the instructions set by Congress in the Medicare Modernization Act. We ask that you consider the concerns raised by the CHC, MedPAC, the National Kidney Foundation and others about the impact of any new payment formula on independent dialysis centers.

Thank you for your consideration.

Sincerely,

[Signatures]
Letter Signers:

Rep. Ciro D. Rodriguez  
Rep. Charles A. Gonzalez  
Rep. Hilda L. Solis  
Rep. Anibal Acevedo-Vila  
Rep. Silvestre Reyes  
Rep. Loretta Sanchez  
Rep. Raúl Grijalva  
Rep. Xavier Becerra  
Rep. Linda T. Sánchez  
Rep. Dennis Cardoza  
Rep. José E. Serrano  
Rep. Lucille Roybal-Allard  
Rep. Luis V. Gutiérrez  
Rep. Solomon P. Ortiz  
Rep. Rubén Hinojosa  
Rep. Robert Menendez  
Rep. Joe Baca  
Rep. Grace F. Napolitano