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## Ensure Medicare Home Health Payment Rates Are Adequate To Protect Access to Care

The Centers for Medicare and Medicaid Services (CMS) published a proposed rule that would cut home health payment rates by 3.79 percent in 2011 and 2012. This 7.58 percent regulatory cut is in addition to the \$39.7 billion in rate cuts mandated by the Patient Protection and Affordable Care Act through 2019.

With the regulatory cuts alone nearly half of all home health agencies will be paid less than the cost of care to Medicare patients. With these negative margins many providers are likely to go out of business, creating a serious threat to access to care. These regulatory rate cuts are based on CMS' claim that providers' claim coding behavior has increased Medicare expenditures while home health patients are essentially no sicker than before. However, it is clear that home health agencies are taking care of sicker patients with greater needs for therapy, nursing care and home health aide services.

Congress should bar CMS from instituting regulatory cuts beyond those required under the Affordable Care Act until all rate changes under the Act are fully implemented. Congress should also pass the Home Health Care Access Protection Act of 2010 (H.R. 5803; S. 3315) to require accountable and transparent assessment of coding changes before rate reductions are imposed.

### Percentage of Home Health Agencies with Margins of 0 or Less by Congressional District Served

#### Potential Risks from a Combination of a CMS Regulatory Payment Cut of 3.79% in 2011 and 2012 with Scheduled Rate Cuts Under the Patient Protection and Affordable Care Act (P.L. 111-148)

	2011	2012
<b>NATIONAL</b>	<b>41.2%</b>	<b>49.6%</b>
<b>Alabama</b>		
1	22.6%	35.5%
2	30.2%	39.5%
3	36.2%	46.8%
4	42.0%	54.0%
5	42.3%	46.2%
6	36.8%	52.6%
7	31.0%	43.1%
<b>Alaska</b>		
1	91.7%	91.7%
<b>Arizona</b>		
1	50.0%	59.4%
2	39.5%	44.7%
3	33.3%	40.7%
4	37.9%	44.8%
5	28.6%	35.7%

	<b>2011</b>	<b>2012</b>
6	25.8%	35.5%
7	29.0%	36.8%
8	42.9%	57.1%
<b>Arkansas</b>		
1	46.5%	55.8%
2	47.1%	52.9%
3	50.0%	59.5%
4	44.9%	53.6%
<b>California</b>		
1	52.4%	59.5%
2	50.0%	53.9%
3	61.5%	64.1%
4	47.7%	54.6%
5	38.1%	42.9%
6	63.3%	76.7%
7	51.7%	62.1%
8	48.2%	55.6%
9	54.6%	63.6%
10	54.6%	63.6%
11	54.1%	59.5%
12	48.3%	58.6%
13	43.3%	53.3%
14	46.7%	53.3%
15	52.0%	56.0%
16	36.4%	40.9%
17	80.0%	80.0%
18	45.5%	59.1%
19	51.7%	58.6%
20	47.8%	56.5%
21	43.5%	52.2%
22	45.2%	51.6%
23	51.2%	53.7%
24	45.4%	52.6%
25	51.1%	61.4%
26	53.4%	64.8%
27	51.6%	61.3%
28	53.5%	64.5%
29	52.6%	63.2%
30	52.5%	61.0%
31	53.5%	63.4%
32	55.5%	67.4%
33	53.0%	62.8%
34	52.8%	64.6%
35	54.3%	63.7%
36	51.2%	60.6%
37	54.6%	65.4%
38	53.2%	64.8%
39	55.2%	64.7%
40	54.6%	66.9%

	<b>2011</b>	<b>2012</b>
41	51.6%	65.6%
42	56.5%	66.9%
43	55.7%	68.7%
44	53.6%	67.4%
45	51.2%	71.4%
46	53.7%	62.8%
47	55.1%	68.1%
48	54.6%	67.7%
49	47.5%	58.8%
50	34.5%	44.8%
51	32.0%	44.0%
52	34.6%	46.2%
53	33.3%	42.9%
<b>Colorado</b>		
1	21.6%	24.3%
2	30.2%	32.6%
3	43.6%	49.1%
4	36.7%	40.0%
5	28.6%	32.1%
6	21.3%	23.4%
7	20.9%	20.9%
<b>Connecticut</b>		
1	17.5%	22.5%
2	26.8%	29.3%
3	22.5%	30.0%
4	17.1%	25.7%
5	20.4%	24.5%
<b>Delaware</b>		
1	31.3%	34.4%
<b>District of Columbia</b>		
1	29.7%	34.1%
<b>Florida</b>		
1	29.7%	43.2%
2	34.0%	46.0%
3	32.5%	37.7%
4	36.0%	40.0%
5	32.2%	38.5%
6	34.1%	40.7%
7	30.8%	36.3%
8	33.0%	38.6%
9	30.2%	34.4%
10	34.9%	39.7%
11	29.1%	34.9%
12	27.4%	33.7%
13	26.0%	37.0%
14	29.5%	37.7%
15	24.8%	33.0%
16	27.1%	36.1%
17	28.6%	39.1%

	<b>2011</b>	<b>2012</b>
18	28.0%	37.4%
19	31.5%	41.5%
20	29.5%	40.4%
21	28.8%	39.3%
22	33.9%	43.7%
23	31.9%	40.4%
24	30.7%	37.3%
25	28.2%	37.9%
<b>Georgia</b>		
1	36.4%	45.5%
2	53.3%	66.7%
3	33.3%	33.3%
4	23.8%	23.8%
5	41.4%	41.4%
6	23.1%	23.1%
7	19.2%	19.2%
8	35.7%	38.1%
9	36.4%	36.4%
10	19.4%	22.6%
11	32.3%	32.3%
12	34.6%	34.6%
13	36.7%	36.7%
<b>Hawaii</b>		
1	60.0%	80.0%
2	75.0%	87.5%
<b>Idaho</b>		
1	50.0%	58.3%
2	45.0%	50.0%
<b>Illinois</b>		
1	32.4%	40.3%
2	31.5%	39.6%
3	31.0%	38.8%
4	30.6%	38.4%
5	31.1%	38.6%
6	33.9%	41.4%
7	30.1%	38.2%
8	32.0%	38.4%
9	30.5%	38.3%
10	30.4%	37.9%
11	35.0%	42.9%
12	37.0%	50.0%
13	32.0%	39.3%
14	35.4%	43.4%
15	43.1%	51.4%
16	32.2%	39.9%
17	36.0%	49.3%
18	50.0%	58.6%
19	39.7%	50.8%
<b>Indiana</b>		

	<b>2011</b>	<b>2012</b>
1	32.8%	39.7%
2	32.0%	38.0%
3	42.9%	48.6%
4	37.5%	47.9%
5	34.6%	46.2%
6	36.6%	48.8%
7	29.4%	44.1%
8	37.2%	46.5%
9	42.6%	48.9%
<b>Iowa</b>		
1	38.6%	43.2%
2	38.6%	42.1%
3	42.0%	48.0%
4	48.2%	53.0%
5	41.0%	45.8%
<b>Kansas</b>		
1	43.7%	47.9%
2	55.2%	60.3%
3	41.4%	44.8%
4	47.7%	52.3%
<b>Kentucky</b>		
1	41.3%	47.8%
2	41.8%	47.3%
3	33.3%	38.9%
4	29.6%	34.1%
5	25.5%	40.0%
6	39.5%	44.7%
<b>Louisiana</b>		
1	32.4%	39.2%
2	37.5%	41.1%
3	36.4%	42.4%
4	23.5%	30.9%
5	26.9%	35.9%
6	27.0%	33.8%
7	19.6%	28.6%
<b>Maine</b>		
1	45.0%	60.0%
2	45.8%	58.3%
<b>Maryland</b>		
1	27.6%	44.8%
2	26.7%	43.3%
3	35.3%	52.9%
4	35.5%	41.9%
5	22.6%	35.5%
6	34.2%	48.8%
7	25.0%	43.8%
8	24.0%	32.0%
<b>Massachusetts</b>		
1	24.0%	30.0%

	<b>2011</b>	<b>2012</b>
2	25.5%	33.3%
3	21.9%	31.3%
4	23.6%	32.7%
5	25.0%	34.6%
6	22.7%	36.4%
7	19.6%	31.4%
8	21.6%	33.3%
9	22.0%	32.2%
10	20.3%	32.2%
<b>Michigan</b>		
1	40.9%	53.0%
2	35.0%	50.0%
3	37.8%	48.9%
4	28.0%	40.0%
5	28.7%	43.6%
6	36.4%	42.4%
7	32.9%	42.9%
8	24.4%	39.1%
9	35.1%	45.0%
10	30.8%	41.9%
11	36.5%	46.0%
12	37.1%	46.9%
13	38.5%	47.9%
14	38.5%	47.6%
15	35.7%	44.9%
<b>Minnesota</b>		
1	55.6%	66.7%
2	51.3%	56.4%
3	46.4%	57.1%
4	42.3%	53.9%
5	46.4%	53.6%
6	42.9%	51.4%
7	45.3%	50.0%
8	55.6%	57.8%
<b>Mississippi</b>		
1	16.1%	22.6%
2	14.3%	17.1%
3	18.2%	24.2%
4	22.2%	33.3%
<b>Missouri</b>		
1	28.6%	34.7%
2	33.3%	35.4%
3	38.2%	41.8%
4	52.9%	60.0%
5	41.2%	47.1%
6	52.9%	60.3%
7	50.0%	52.9%
8	49.1%	57.9%
9	45.7%	51.9%

	2011	2012
<b>Montana</b>		
1	62.9%	68.6%
<b>Nebraska</b>		
1	47.9%	50.0%
2	22.7%	27.3%
3	71.4%	73.8%
<b>Nevada</b>		
1	47.5%	57.5%
2	50.9%	60.4%
3	52.2%	63.0%
<b>New Hampshire</b>		
1	26.5%	41.2%
2	21.4%	31.0%
<b>New Jersey</b>		
1	42.9%	47.6%
2	45.5%	50.0%
3	40.0%	52.0%
4	54.6%	59.1%
5	61.1%	61.1%
6	63.6%	63.6%
7	61.9%	66.7%
8	37.5%	37.5%
9	46.2%	53.9%
10	50.0%	58.3%
11	45.5%	50.0%
12	63.6%	63.6%
13	66.7%	77.8%
<b>New Mexico</b>		
1	41.2%	47.1%
2	37.7%	47.2%
3	46.2%	48.7%
<b>New York</b>		
1	40.0%	55.0%
2	50.0%	62.5%
3	54.6%	63.6%
4	66.7%	71.4%
5	64.0%	68.0%
6	68.4%	68.4%
7	71.4%	76.2%
8	78.3%	87.0%
9	81.8%	86.4%
10	86.7%	86.7%
11	81.3%	81.3%
12	84.2%	84.2%
13	72.2%	77.8%
14	69.6%	73.9%
15	92.9%	92.9%
16	63.6%	72.7%

	<b>2011</b>	<b>2012</b>
17	52.6%	63.2%
18	45.0%	55.0%
19	45.8%	58.3%
20	79.0%	84.2%
21	69.2%	73.1%
22	54.8%	67.7%
23	62.5%	68.8%
24	48.3%	62.1%
25	37.5%	56.3%
26	47.4%	68.4%
27	28.6%	50.0%
28	45.5%	63.6%
29	42.1%	73.7%
<b>North Carolina</b>		
1	16.1%	25.8%
2	29.5%	36.1%
3	22.0%	26.8%
4	35.1%	43.2%
5	28.6%	36.7%
6	28.1%	40.6%
7	16.2%	27.0%
8	22.9%	29.2%
9	16.7%	26.7%
10	33.3%	40.5%
11	27.3%	33.3%
12	22.2%	33.3%
13	34.0%	41.5%
<b>North Dakota</b>		
1	65.0%	65.0%
<b>Ohio</b>		
1	15.4%	15.4%
2	11.9%	16.4%
3	16.4%	19.7%
4	33.8%	33.8%
5	36.8%	40.8%
6	21.0%	28.6%
7	23.4%	26.2%
8	14.9%	17.9%
9	41.5%	45.3%
10	44.9%	49.0%
11	45.1%	47.1%
12	28.4%	32.1%
13	38.1%	42.9%
14	37.0%	41.1%
15	30.8%	33.3%
16	37.5%	42.2%
17	38.6%	42.1%
18	34.3%	40.2%
<b>Oklahoma</b>		

	<b>2011</b>	<b>2012</b>
1	44.4%	51.4%
2	40.3%	52.2%
3	42.5%	54.4%
4	40.7%	55.6%
5	42.1%	53.7%
<b>Oregon</b>		
1	62.5%	75.0%
2	72.7%	84.9%
3	40.0%	60.0%
4	70.8%	79.2%
5	62.5%	68.8%
<b>Pennsylvania</b>		
1	26.7%	35.6%
2	27.9%	32.6%
3	25.5%	32.7%
4	25.9%	33.3%
5	29.7%	34.4%
6	29.8%	33.3%
7	23.4%	25.5%
8	26.9%	30.8%
9	31.7%	41.8%
10	25.0%	36.8%
11	28.4%	38.3%
12	25.7%	31.4%
13	24.6%	29.2%
14	24.4%	33.3%
15	32.6%	37.2%
16	29.7%	32.4%
17	29.8%	36.8%
18	27.9%	37.7%
19	32.3%	45.2%
<b>Rhode Island</b>		
1	11.8%	29.4%
2	9.5%	28.6%
<b>South Carolina</b>		
1	26.1%	30.4%
2	41.4%	44.8%
3	39.1%	52.2%
4	47.8%	52.2%
5	34.3%	34.3%
6	41.2%	47.1%
<b>South Dakota</b>		
1	55.3%	61.7%
<b>Tennessee</b>		
1	28.6%	37.1%
2	32.4%	44.1%
3	29.4%	37.3%
4	21.0%	27.2%
5	12.1%	18.2%

	<b>2011</b>	<b>2012</b>
6	20.0%	24.0%
7	23.5%	29.4%
8	20.0%	25.0%
9	42.1%	47.4%
<b>Texas</b>		
1	37.8%	46.9%
2	49.1%	59.5%
3	40.4%	52.5%
4	37.8%	50.6%
5	40.0%	51.8%
6	42.1%	51.1%
7	51.1%	60.5%
8	45.8%	56.6%
9	51.3%	60.8%
10	48.5%	59.0%
11	42.2%	51.2%
12	40.2%	51.2%
13	44.8%	53.1%
14	49.4%	58.1%
15	42.2%	53.4%
16	34.0%	42.0%
17	41.6%	50.0%
18	50.8%	60.5%
19	46.1%	54.8%
20	44.8%	59.1%
21	41.7%	55.1%
22	50.7%	59.4%
23	38.3%	49.2%
24	40.1%	51.3%
25	48.1%	57.9%
26	39.9%	50.6%
27	39.5%	50.7%
28	39.7%	52.6%
29	51.1%	61.2%
30	41.5%	52.3%
31	35.2%	49.1%
32	41.0%	51.9%
<b>Utah</b>		
1	28.1%	40.4%
2	26.2%	36.1%
3	28.3%	38.3%
<b>Vermont</b>		
1	31.3%	43.8%
<b>Virginia</b>		
1	40.9%	47.0%
2	31.4%	42.9%
3	32.7%	42.3%
4	39.0%	47.5%
5	38.2%	43.6%

	<b>2011</b>	<b>2012</b>
6	33.3%	41.0%
7	49.0%	55.1%
8	37.5%	46.9%
9	36.8%	45.6%
10	41.7%	47.2%
11	45.7%	51.4%
<b>Washington</b>		
1	28.6%	35.7%
2	50.0%	50.0%
3	46.7%	53.3%
4	50.0%	56.3%
5	38.5%	46.2%
6	42.9%	42.9%
7	55.6%	55.6%
8	43.8%	50.0%
9	50.0%	50.0%
<b>West Virginia</b>		
1	37.8%	53.3%
2	34.1%	47.7%
3	29.6%	38.6%
<b>Wisconsin</b>		
1	33.3%	36.1%
2	73.3%	76.7%
3	63.4%	70.7%
4	25.0%	25.0%
5	44.0%	48.0%
6	57.9%	63.2%
7	75.7%	81.1%
8	66.7%	72.2%
<b>Wyoming</b>		
1	54.8%	64.5%