

Congress of the United States

Washington, DC 20515

May 27, 2008

Secretary Michael O. Leavitt
U.S. Department of Health and Human Services
200 Independence Avenue, SW
Washington, DC 20201

Dear Secretary Leavitt:

We understand the comment period for the February 29, 2008, Federal Register Notice of Proposed Rulemaking for "Designation of Medically Underserved Populations and Health Professional Shortage Areas" will close at the end of next week. Due to the complexity and ambiguity of the rule, we ask you to review stakeholders' comments, publish a revised rule that clarifies and addresses the many outstanding concerns, and provide stakeholders 30 to 60 days of comment before publishing the final rule.

We certainly appreciate the April 21, 2008, clarification in the Federal Register that extended the comment period an additional 30 days. It has provided some additional time for state primary care offices to do further analysis. It is clear that state data is a very critical piece of determining the impact of the new methodology proposed by the rule. However, despite this extension, there is still much confusion and concern among the many stakeholders. Indeed, much of the impact and methodology of the rule must be clarified before it is finalized.

As you know, the impact of this proposed rule goes well beyond those within the Health Resources and Services Administration, and well beyond the programs of your Department. We have been ardent supporters of many of the programs that rely on these designations, especially Community Health Centers, National Health Services Corps and Rural Health Clinic programs. We are very concerned about the potential impact on these, and other successful programs that help communities address our most pressing health care needs and assure that communities have access points to primary and preventive health care services. While we fully support the intent of targeting these resources to the highest need areas, we must be sure that any such change to the existing rules and regulations accomplishes this goal.

Specifically, in regard to the proposed rule revision process noted above we urge you to further describe the National Health Service Corps Safety Net Facility scoring methodology. We also ask for more analysis and information on the impact of the proposed rule on rural health clinics.

We appreciate your continued efforts to clarify the proposal before any final action is taken. Again, we request that you review and analyze comments received to date and then publish an interim document with clear and consistent language describing the methodology as modified based on the input received. We also hope you will allow stakeholders another 30 to 60 day comment period before the methodology is finalized.

Oregon strongly believes the benefit of taking the steps to clarify ambiguities now, and to work collaboratively with the groups that are focused on addressing the health needs of underserved populations, will mean much greater agreement nationwide on the intent, the methodology, and the impact of this proposed rule.

Thank you for your consideration of our request and we look forward to working with you to ensure any action conforms to the intent of focusing our limited resources most appropriately.

Sincerely,



Gordon H. Smith
United States Senate



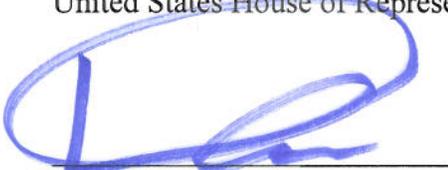
Ron Wyden
United States Senate



Darlene Hooley
United States House of Representatives



Greg Walden
United States House of Representatives



David Wu
United States House of Representatives