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## ***Coalition Condemns 75% Rule on Inpatient Rehab, Urges Enactment of Stopgap Legislation***

[Washington, D.C.] Today, the Coalition to Preserve Rehabilitation (CPR) is pleased to participate in a Congressional Briefing on the harmful impact of Medicare's 75% Rule on access to inpatient rehabilitation. CPR Steering Committee member, Anne Sommers, J.D., of the American Association of People with Disabilities (AAPD), will offer her personal remarks at the event.

The CPR is a coalition of national consumer, clinician, and membership organizations with the goal of preserving access to appropriate rehabilitation services so that individuals with disabilities, injuries, or chronic conditions may regain and/or maintain their maximum level of independent function.

Currently, Medicare is phasing-in implementation of the so-called "75% Rule" as a means of qualifying inpatient rehabilitation hospitals and units for reimbursement purposes. The rule requires that facilities maintain a 75% census of patients with one or more of 13 conditions, thus forcing inpatient rehabilitation facilities to manage the mix of the patients they treat based on an arbitrary qualification rule, rather than on individual need for rehabilitative care.

"The impact of the 75% Rule essentially amounts to a quota system that determines who can and cannot receive intensive rehabilitation services," stated Judith Stein of the Center for Medicare Advocacy, Inc. "Medicare coverage is based on legal standards; if people with Medicare qualify for inpatient rehabilitation services, they are entitled to such services and to Medicare coverage. A beneficiary should not be denied access to reasonable and necessary care or to Medicare coverage based on arbitrary rules or quotas," she continued.

CPR members point out that the intensive and coordinated care received in inpatient rehabilitation facilities allows individuals with injuries, disabilities and chronic conditions to regain maximum independent function and return to their homes and communities. Despite recent reports that nursing homes are comparable to inpatient rehabilitation hospitals and units, CPR members do not agree.

"In an inpatient rehabilitation facility an individual's entire rehabilitation team is present, working and planning with you to regain function and eventually, independent living," stated Anne Sommers of AAPD. "Medicare requires that these facilities provide individuals with intensive, multidisciplinary therapy as well as extensive medical management. For individuals requiring that level of rehabilitative care, a less intensive setting, such as a nursing home, is not appropriate."

Legislation has been introduced in both the House and Senate (H.R. 1459/S. 543) to freeze the rule at its current threshold of 60 percent, preventing a scheduled increase on July 1, 2007. While it is not a complete repeal of the rule, CPR members strongly support the legislation as a temporary solution to an increasingly harmful restriction.

Ms. Sommers concluded, "We urge Congress to enact the 'Preserving Patient Access to Inpatient Rehabilitation Hospitals Act of 2007' prior to July 1, 2007 to ensure that further implementation of the 75% Rule does not cause greater restrictions to inpatient rehabilitation and, thus, limit the ability of people with disabilities, injuries, and chronic conditions to return to independent living."