



October 26, 2009

The Honorable Kathleen Sebelius
Secretary
U.S. Department of Health and Human Services
200 Independence Avenue, S.W.
Washington, DC 20201

Subject: Section 1135 Waiver of 25 Bed Limit for Critical Access Hospitals

Dear Secretary Sebelius:

Wisconsin hospitals thank you for your October 1, 2009, declaration of a public health emergency and President Obama's October 23, 2009, declaration of a national emergency with respect to the H1N1 influenza. We appreciate the Administration's recognition of the seriousness of this fast-moving epidemic.

As your Department has noted, given the nature of this emergency, by the time hospitals and health care systems recognize that they are overburdened, they need to implement their disaster plans quickly. Your Department also indicates that in order to enable the implementation of the disaster plans, you stand ready to issue Section 1135 waivers of certain federal requirements in order to meet situational local needs. To that end, Wisconsin's 59 critical access hospitals request that HHS issue a Section 1135 waiver of the 25-bed limit for critical access hospitals in Wisconsin.

Many Wisconsin rural communities are served by critical access hospitals. Strict compliance with the 25-bed limit likely will mean that in order to receive critical health care, patients would have to be diverted to facilities a significant distance from their homes, making necessary long trips by their families in order to visit their loved ones, and addressing the epidemic will become more chaotic and costly. Enabling access to health care in their local communities would help with this struggle that could affect a family's - and a community's - health. Wisconsin hospitals ask HHS to provide critical access hospitals with the flexibility to respond to this emergency locally by enabling communities to use their resources, especially their health care workers and facilities, in a way that makes the most sense for that community.

If this letter is not sufficient as a request for a Section 1135 waiver, please advise us of the process.

Again, thank you. Wisconsin appreciates HHS staff's dedication and hard work during this emergency.

Sincerely,

A handwritten signature in black ink that reads "Stephen F. Brenton".

Stephen F. Brenton
President
Wisconsin Hospital Association

A handwritten signature in black ink that reads "Tim Size".

Tim Size
Executive Director
Rural Wisconsin Health Cooperative

cc James E. Doyle
Governor
State of Wisconsin