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# Congress of the United States

## U.S. House of Representatives

COMMITTEE ON WAYS AND MEANS

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July 14, 2010

The Honorable Sander M. Levin  
Chairman  
Committee on Ways and Means  
1102 Longworth House Office Building  
Washington, DC 20515

Dear Chairman Levin,

As you know, the “Patient Protection and Affordable Care Act” (P.L. 111-148) and the “Health Care and Education Reconciliation Act” (P.L. 111-152) together contain over one-half trillion dollars of cuts to the Medicare program. The Centers for Medicare and Medicaid Services’ (CMS) Office of the Actuary (OACT) warned that, as a result of these Medicare cuts, providers may end their participation in the program, possibly jeopardizing access to care for Medicare beneficiaries.<sup>1</sup> OACT also found that “consideration should be given to the potential consequences of a significant increase in demand for health care meeting a relatively fixed supply of health care providers and services”<sup>2</sup> – in other words, Americans should prepare for physician and hospital shortages as a result of the health overhaul.

Considering the significant impact the new laws will have on the Medicare program and the critical role the CMS Administrator will have in implementing these cuts, we are very surprised that President Obama chose to circumvent the normal confirmation process and instead gave Dr. Donald Berwick a recess appointment. In doing so, members of Congress and the American people were denied the opportunity to hear Dr. Berwick’s testimony and learn how he intends to ensure that seniors’ access to care is preserved.

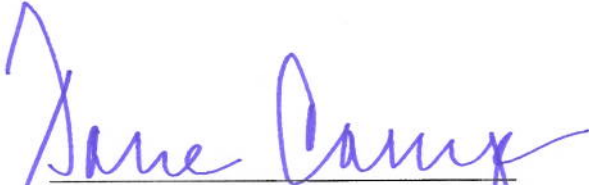
Since President Obama took office, we have yet to hold a full Committee hearing with an official from CMS, and the Secretary of Health and Human Services has not appeared before the Committee since May 6, 2009. In line with our Committee’s oversight responsibility of the Medicare program and to provide an opportunity for appropriate questioning of Dr. Berwick about his plans for implementing the new health overhaul, including the half-trillion dollars in Medicare cuts, and his repeated statements in support of rationing health care services, we

<sup>1</sup> See Memorandum from Richard S. Foster, Chief Actuary, Centers for Medicare and Medicaid Services, *Estimated Financial Effects of the “Patient Protection and Affordable Care Act,” as Amended* 10 (April 22, 2010).

<sup>2</sup> See *id.* at 20.

respectfully request that the Committee hold a hearing with Dr. Berwick at the earliest possible date. Our nation's seniors deserve to know what is in store for their health care and how Dr. Berwick intends to manage an agency that controls almost \$800 billion in taxpayer funds annually.


Sincerely,

  
DAVE CAMP, RANKING MEMBER

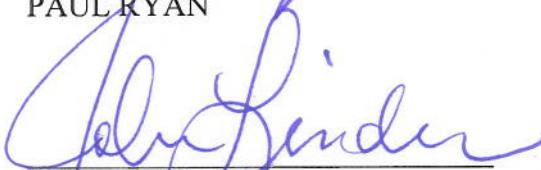
  
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