Congress of the United States
House of Representatives
Washington, DC 20515

December 6, 2021

The Honorable Chiquita Brooks-LaSure
Administrator
Centers for Medicare & Medicaid Services
7500 Security Boulevard
Baltimore, MD 21244

Dear Administrator Brooks-LaSure:

The COVID-19 pandemic has taken a significant toll on the American public both physically and emotionally for almost two years. In that time, though, multiple vaccines have become widely available for those wishing to be vaccinated. According to the Mayo Clinic, nearly 60 percent of the United States population over the age of 12 is fully vaccinated, including over 83 percent of the Medicare-aged population.[1]

Thankfully, the United States has seen an overall decrease in new COVID-19 infections, hospitalizations and deaths since vaccines became readily available,[2] and while we are not yet out of the woods, many are saying the end of the pandemic is in sight. Former Food and Drug Administration Commissioner Scott Gottlieb, M.D. recently stated the pandemic "may well be over" by January 4,[3] which is the deadline the Centers for Medicare and Medicaid Services (CMS) set for complying with either its vaccination mandate or enforcing the continued use of masks and weekly testing.

At a time when we are facing a growing health care workforce shortage – including a projected physician shortage of more than 100,000 by 2034[4] – implementing a federal vaccine mandate will only serve to exacerbate the problem. By your own admission, "[t]hese requirements will apply to approximately 76,000 providers and cover over 17 million health care workers across the country."[5] It is difficult, if not impossible, to reconcile the rationale for implementing a mandate like this at the tail end of the pandemic while we, as a nation, are struggling to staff hospitals, physician offices and other ancillary providers.

We fully support your agency's goal of "[e]nsuring patient safety and protection," but if seniors are unable to access care because their provider no longer participates in the Medicare program, this rule will undermine its stated goal. By subjecting providers to egregious federal overreach, our nation's most vulnerable populations will be at risk and America's seniors will bear the brunt of any provider loss due to non-compliance with this heavy-handed and constitutionally dubious vaccine mandate. Americans are quitting their jobs at a record pace, and this new federal mandate will only make matters worse and keep more Americans out of the workforce.[6]

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[1] https://www.mayoclinic.org/coronavirus-covid-19/vaccine-tracker
[2] https://www.cdc.gov/coronavirus/2019-ncov/covid-data/covidview/index.html
[3] https://thehill.com/policy/healthcare/580298-gottlieb-says-pandemic-in-us-could-be-over-by-january
[4] https://www.aamc.org/news-insights/press-releases/aamc-report-reinforces-mounting-physician-shortage
[5] https://www.cms.gov/newsroom/press-releases/biden-harris-administration-issues-emergency-regulation-requiring-covid-19-vaccination-health-care
[6] https://www.politico.com/news/2021/11/12/for-2nd-straight-month-americans-quit-jobs-at-a-record-pace-521116

There are over 54 million Medicare-aged Americans,[7] and it is our duty as Members of Congress representing those seniors to ensure they maintain access to their preferred health care provider. This is especially true when that means opposing an administrative agency's actions that will lead to fewer options for our constituents; longer wait times; and the inevitability of adverse health outcomes due to fewer available providers.

We strongly urge you to abandon implementing this onerous new rule and instead heed current statistics that show seniors are vaccinated at a higher rate than the rest of the population of vaccinated Americans while also uniquely vulnerable to disruptions in the health care system and consider the potentially negative consequences this mandate will have on the size and strength of our health care workforce. To truly ensure patient safety and protection, we must preserve Americans' access to their preferred providers rather than impose a new one-size-fits-all federal mandate on our nation's health care providers at a time when they can least afford it.

Sincerely,

Vern Buchanan
Member of Congress

Larry Bucshon, M.D.
Member of Congress

Elise Stefanik
Member of Congress

Jim Banks
Member of Congress

Jeff Duncan
Member of Congress

Brett Guthrie
Member of Congress

Jodey V. Arrington
Member of Congress

Jackie Walorski
Member of Congress

Mike Kelly
Member of Congress

David B. McKinley, P.E.
Member of Congress

[7] https://acl.gov/sites/default/files/Aging%20and%20Disability%20in%20America/2020ProfileOlderAmericans.Final_.pdf

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