

SENATOR KEMP HANNON  
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Members of Congress:

We write in strong support of the *Improving Access to Medicare bills* (S. 843 & HR. 1571) which would permit doctors to count a period of outpatient observation services in a hospital toward satisfying the two midnight hospital requirement for coverage of skilled nursing services under Medicare.

New York is unable to pre-empt federal rules regarding observation of patients. However, we did adopt legislation in October 2013 which ensured that hospitals notify patients, verbally and in writing, who are being observed as opposed to being admitted to a hospital. The notice must include a statement that the observation status may affect the patients Medicare or other insurance coverage for the current stay as well as coverage for any subsequent discharge to a skilled nursing facility and advises patients to contact their insurance plan to better understand the implications of being in observation status.

While consumer awareness is very important, it does not change the devastating effects that the two midnight rule can and does have on patients throughout New York State. As state legislators, we write in strong support of the *Improving Access to Medicare bills* now before Congress and encourage all members to support its passage at the earliest opportunity.

Sincerely,

Senator Kemp Hannon  
6<sup>th</sup> Senatorial District

Senator Kenneth LaValle  
1<sup>st</sup> Senatorial District

Senator Elizabeth Little  
45<sup>th</sup> Senatorial District

Senator John DeFrancisco  
50<sup>th</sup> Senatorial District

Senator Susan Serino  
41<sup>st</sup> Senatorial District

Senator William Larkin  
39<sup>th</sup> Senatorial District

Senator Hugh Farley  
49<sup>th</sup> Senatorial District

Senator Rich Funke  
55<sup>th</sup> Senatorial District

Senator Patrick Gallivan  
59<sup>th</sup> Senatorial District

Senator Carl Marcellino  
5<sup>th</sup> Senatorial District

Senator Patricia Ritchie  
48<sup>th</sup> Senatorial District

Senator Brad Hoylman  
27<sup>th</sup> Senatorial District

Senator Kathleen A. Marchione  
43<sup>rd</sup> Senatorial District

Senator Thomas W. Libous  
52<sup>nd</sup> Senatorial District

Senator George A. Amadore, Jr.  
46<sup>th</sup> Senatorial District

Senator David J. Valesky  
53<sup>rd</sup> Senatorial District

Senator Jeffrey D. Klein  
34<sup>th</sup> Senatorial District

Senator Tony Avella  
11<sup>th</sup> Senatorial District

Senator James L. Seward  
51<sup>st</sup> Senatorial District

Senator Neil D. Breslin  
44<sup>th</sup> Senatorial District

Senator Dean G. Skelos  
9<sup>th</sup> Senatorial District

Senator Joseph Griffo  
47<sup>th</sup> Senatorial District

Senator Martin Golden  
22<sup>nd</sup> Senatorial District

Senator Joseph Addabbo, Jr.  
15<sup>th</sup> Senatorial District

Senator Catharine Young  
57<sup>th</sup> Senatorial District

Senator Gustavo Rivera  
33<sup>rd</sup> Senatorial District

Senator George Latimer  
37<sup>th</sup> Senatorial District

Senator Toby Ann Stavisky  
16<sup>th</sup> Senatorial District

Senator Jesse Hamilton  
20<sup>th</sup> Senatorial District

Senator John J. Bonacic  
42<sup>nd</sup> Senatorial District

Senator Bill Perkins  
30<sup>th</sup> Senatorial District

Senator Diane Savino  
23<sup>rd</sup> Senatorial District

Senator David Carlucci  
38<sup>th</sup> Senatorial District

Senator Jack M. Martins  
7<sup>th</sup> Senatorial District

Senator Liz Krueger  
28<sup>th</sup> Senatorial District

Senator John L. Sampson  
19<sup>th</sup> Senatorial District

Senator Thomas D. Croci  
3<sup>rd</sup> Senatorial District