

Congress of the United States
Washington, DC 20510

August 21, 2024

The Honorable Chiquita Brooks-LaSure
Administrator
Centers for Medicare & Medicaid Services
200 Independence Avenue, S.W.
Washington, DC 20201

Dear Administrator Brooks-LaSure,

We are writing to express our deep concern regarding the preliminary noncompliance finding in a letter issued to Fleming County Hospital on June 24, 2024, during its re-certification as a critical access hospital (CAH). Fleming County Hospital has been a lifeline for the residents of Fleming County and the surrounding areas. We urge the Centers for Medicare & Medicaid Services (CMS) to reconsider this determination, which we believe is based on an incorrect assessment and fails to acknowledge critical facts about the hospital's situation.

During the recertification review, CMS found that Fleming County Hospital was in noncompliance with distance requirements because “according to Google maps, Fleming County Hospital is located 17.8 miles from Meadowview Regional Medical Center in Maysville, KY. 13.9 miles of the route consists of secondary roads and 3.9 miles consists of primary roads. The 3.9 miles of primary road is State Highway KY-9 which is a numbered State highway with 2 or more lanes each way.” This review fails to account for the fact that many drivers, in order to reduce travel time, use KY-1448 (CAH secondary) instead of KY-9 (CAH primary), between KY-11 and KY-9, avoiding delay at the KY-11/KY-9 intersection. Traffic on this section of KY 1448 (two lanes) is approximately 1,400 vehicles per day on the section of interest, while traffic on the parallel section of KY-9 (four lanes) is approximately 13,000 vehicles per day. This common route to the Fleming County Hospital increases the secondary mileage to 15.7. Therefore, the above defined route meets the minimum CAH access requirements.

Furthermore, no new hospitals have been built in the perimeter defined above and no new roads have been constructed that affect the travel distance between hospitals since CMS initially determined that Fleming County Hospital met the criteria for CAH status in 2019.

We strongly urge CMS to review all the pertinent information that the hospital has provided, including detailed local maps and data, before making a final determination. It is crucial that the evaluation process fully considers the realities on the ground to avoid unintended consequences that could jeopardize access to healthcare for our constituents in the Commonwealth of Kentucky.

Thank you for your attention to this urgent matter.

Sincerely,

A handwritten signature in blue ink that reads "Andy Barr". The signature is written in a cursive style with a prominent loop at the end of the name.

Andy Barr
Member of Congress

A handwritten signature in blue ink that reads "Rand Paul". The signature is written in a cursive style with a large, sweeping loop at the end of the name.

Rand Paul, M.D.
United States Senator