

Secretary of Health and Human Services the authority to allow patients to exceed the monetary caps if deemed medically necessary.

Mr. Speaker, I urge my colleagues to continue ensuring that Americans have access to the highest quality physical therapy, occupational therapy, and speech and language pathology services by supporting this legislation.

INTRODUCTION OF THE IMPROVING ACCESS TO MEDICARE COVERAGE ACT

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 14, 2011

Mr. COURTNEY. Mr. Speaker, today I am reintroducing legislation to improve a component of our Medicare program that has left many without coverage of needed services and guaranteed benefits. My legislation, the Improving Access to Medicare Coverage Act, will allow time spent on hospital observation status to count towards a three-day qualifying hospital stay requirement for skilled nursing care services. Under current regulations established by the Centers for Medicare and Medicaid Services (CMS), only those that have received an inpatient designation and have a hospital stay of at least three days, qualify for Medicare coverage of skilled nursing care. Those on observation status, which is often indistinguishable from inpatient care, are excluded from this coverage because of an outdated and unfair CMS policy.

Our systems of care have changed, and so should our Medicare policies. This point has been reiterated in cases heard by administrative law judges involving Medicare coverage of skilled care and observation status designations. Many of these cases have supported the notion that Medicare should cover skilled nursing care, regardless if the patient's qualifying hospital stay is as an inpatient or on observation status. While administrative law judges have often supported patients in these cases, the CMS policy creates a system with arbitrary winners and losers, based on access to legal appeals. My legislation will fix this broken system.

The Improving Access to Medicare Coverage Act will count time spent in hospital observation status towards the three-day hospital stay requirement for skilled nursing care. My bill will also establish a 90-day appeals period following passage for those that have been denied coverage after January 1, 2011 due to this CMS policy. The appeals process will allow those that have a qualifying hospital stay—either as an inpatient or on observation status—after January 1, 2011 to be eligible for skilled nursing care. While I believe that the legislative text clarifies that the appeals process is available to any Medicare beneficiary that has been denied coverage after January 1, 2011 due to this policy, there should be no doubt as to my congressional intent. It is my intent that any individual, regardless of whether an initial appeals process has expired, can appeal during the 90-day window following passage so long as their hospital stay and subsequent denial of skilled care occurred after January 1, 2011.

I also want to thank the Center for Medicare Advocacy for bringing to light the impact of

this broken policy. I look forward to working with the Center and the other organizations that have expressed their support of this legislation to bring resolution to this issue that has negatively impacted many of my constituents, and patients and families across the country, for far too long.

IN RECOGNITION OF THE LIFE AND LEGACY OF JOHN A. SMITH

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 14, 2011

Mrs. DAVIS of California. Mr. Speaker, I rise today to recognize a leader in San Diego's veterans' community, and a treasured member of the San Diego family.

Mr. Smith was buried today in Miramar National Cemetery. My thoughts are with his family and friends as they mourn the loss of this honorable and dedicated man.

Mr. Smith joined the Army in 1966 and served as a medic with the 1st Air Cavalry Division in Vietnam. He was wounded three times while serving and was medically retired as a disabled veteran in 1972.

Following his time in military service, Mr. Smith became committed to honoring and advocating for veterans. His involvement with the Veterans Village of San Diego, and its annual Stand Down event to provide services to homeless veterans, exemplify his personal dedication to helping veterans experience an improved quality of life.

Through his active membership with the United Veterans Council, U.S. Veterans of Foreign Wars (VFW), American Legion, Military Order of the Purple Heart, Vietnam Veterans of America, and other organizations helping veterans, Mr. Smith touched many lives. He was also a special representative for the California Department of Veterans Affairs. His admirable reputation in San Diego is known far and wide in the veteran community. In 2004, Mr. Smith was honored as the San Diego County Veteran of the Year.

Mr. Smith's sense of integrity, dedication to service, and commitment to his community should serve as examples to us all. He will be missed.

RECOGNIZING AND HONORING GREATER KALAMAZOO ASSOCIATION OF REALTORS

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 14, 2011

Mr. UPTON. Mr. Speaker, it is with great pleasure I rise today to recognize and honor the Greater Kalamazoo Association of REALTORS. For 100 years, this organization and its members have proudly served the people of southwest Michigan, while setting the bar for excellence within the real estate industry.

What began a century ago as a group of 29 individuals with the common purpose of promoting real estate in Kalamazoo, Michigan, the Greater Kalamazoo Association of REALTORS has grown to an organization with hundreds of members representing over 100 real estate firms.

Since 1911, the Greater Kalamazoo Association of REALTORS has been a leader in real estate, all the while maintaining the same professional and ethical standards upon which it was founded. From creating the first exchange of real estate listings in the State of Michigan to helping usher new industry technologies, Kalamazoo realtors represent the best in their field.

As we know, any organization or body is only as strong as the sum of its members. I would like to thank all of the members of the Greater Kalamazoo Association of REALTORS for their longstanding commitment to local economic growth as well as their work to improve housing standards and home financing, and promote private property rights and commonsense, pro-growth policies. They are truly leaders in putting Michigan back on track.

HONORING THE COMBAT SERVICE OF CORPORAL COLBEY YAZZIE

HON. PAUL A. GOSAR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 14, 2011

Mr. GOSAR. Mr. Speaker, I rise today to honor one of our country's wounded warriors.

Corporal Colbey Yazzie, a resident of Kayenta, Arizona and a 2007 graduate of Monument Valley High School, volunteered to serve our nation and joined the elite ranks of the United States Marine Corps just after high school graduation. We have spoken to Corporal Yazzie's father, Henry, who we know could not be more proud of his son. Corporal Yazzie is also a member of the Navajo Nation, a tribe that has provided our country with brave warriors year after year for decades. For this sacrifice, I stand here and pay our respects as a nation and I ask for a moment of prayer.

Today I want to specifically honor Corporal Colbey Yazzie. Corporal Colbey Yazzie was deployed in support of Operation Enduring Freedom in Afghanistan. He was assigned to the Marine Corps Combat Engineers. Corporal Yazzie was seriously wounded while supporting combat operations while engaged in a dismounted marine force patrol in Helmand Province, Afghanistan. He detonated a push plate improvised explosive device while on this combat patrol, and the resulting explosion severed his right leg above the knee.

Just shortly before Corporal Colbey Yazzie was injured, author Bing West travelled with Corporal Yazzie's unit, and described the high level of professionalism, determination and bravery these Marines demonstrated day in and day out. I truly wished everyone in America understood the sacrifice, bravery and diligence our Marines embody. The article is called "With the Warriors: Patrol Base Fires, Sangin District, Helmand Province, Afghanistan" and was published in the March 7th edition of the National Review. Let me excerpt some of what Mr. West wrote about Corporal Yazzie and his unit, again, shortly before Corporal Yazzie was injured:

The view from this platoon outpost in southern Afghanistan is unobstructed, both visually and strategically. On all sides stretch flat, bare, winter farmlands dotted with walled compounds. The strategy is aggressive patrolling to kill and drive out the