

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.<sup>1</sup>

Thankfully, the United States has seen an overall decrease in new COVID-19 infections, hospitalizations and deaths since vaccines became readily available,<sup>2</sup> 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,<sup>3</sup> 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<sup>4</sup> – 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.”<sup>5</sup> 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.<sup>6</sup>

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<sup>1</sup> <https://www.mayoclinic.org/coronavirus-covid-19/vaccine-tracker>

<sup>2</sup> <https://www.cdc.gov/coronavirus/2019-ncov/covid-data/covidview/index.html>

<sup>3</sup> <https://thehill.com/policy/healthcare/580298-gottlieb-says-pandemic-in-us-could-be-over-by-january>

<sup>4</sup> <https://www.aamc.org/news-insights/press-releases/aamc-report-reinforces-mounting-physician-shortage>

<sup>5</sup> <https://www.cms.gov/newsroom/press-releases/biden-harris-administration-issues-emergency-regulation-requiring-covid-19-vaccination-health-care>

<sup>6</sup> <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,<sup>7</sup> 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.

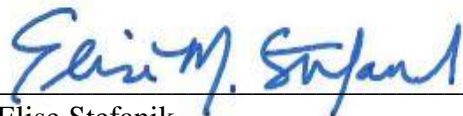
Sincerely,



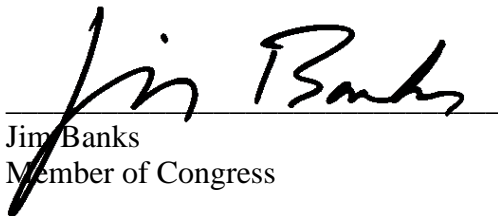
Vern Buchanan  
Member of Congress



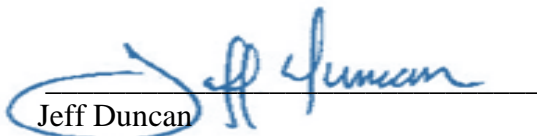
Larry Bucshon, M.D.  
Member of Congress



Elise Stefanik  
Member of Congress



Jim Banks  
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Jeff Duncan  
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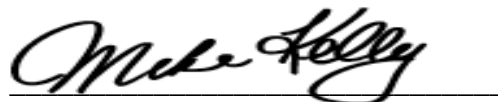
Brett Guthrie  
Member of Congress



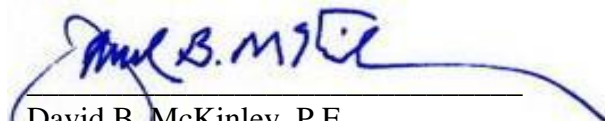
Jodey V. Arrington  
Member of Congress



Jackie Walorski  
Member of Congress

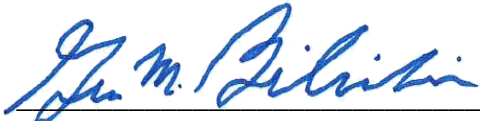


Mike Kelly  
Member of Congress



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

<sup>7</sup> [https://acl.gov/sites/default/files/Aging%20and%20Disability%20in%20America/2020ProfileOlderAmericans.Final\\_.pdf](https://acl.gov/sites/default/files/Aging%20and%20Disability%20in%20America/2020ProfileOlderAmericans.Final_.pdf)



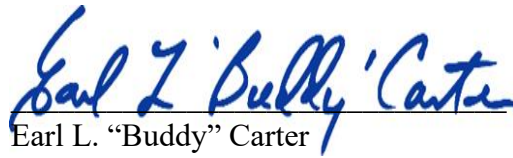
Gus M. Bilirakis  
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Markwayne Mullin  
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Bill Johnson  
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Earl L. "Buddy" Carter  
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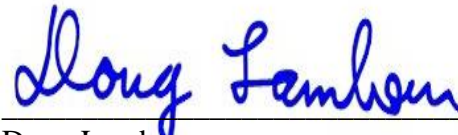
Debbie Lesko  
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Michael Waltz  
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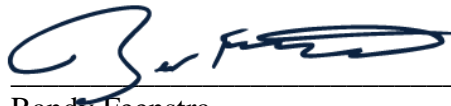
Dan Crenshaw  
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Doug Lamborn  
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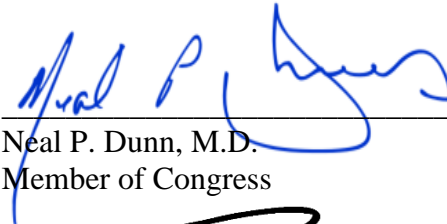
Bill Posey  
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Randy Feenstra  
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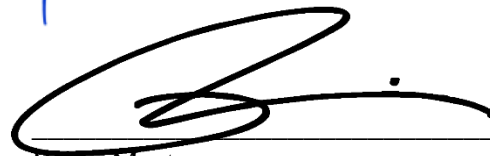
Bob Gibbs  
Member of Congress



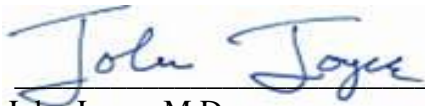
Neal P. Dunn, M.D.  
Member of Congress



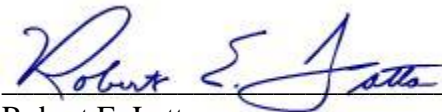
Ralph Norman  
Member of Congress



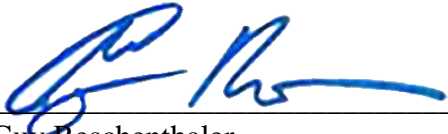
Brian Mast  
Member of Congress



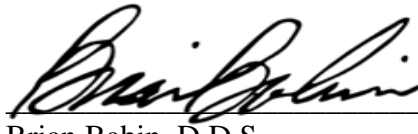
John Joyce, M.D.  
Member of Congress



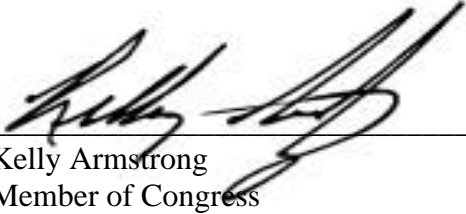
Robert E. Latta  
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Guy Reschenthaler  
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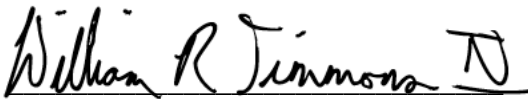
Brian Babin, D.D.S.  
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Kelly Armstrong  
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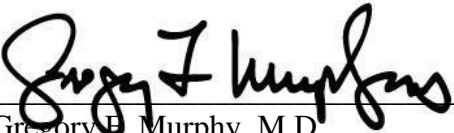
Brad R. Wenstrup, D.P.M.  
Member of Congress



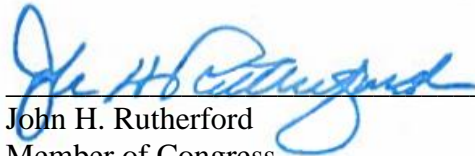
William Timmons  
Member of Congress



Glenn Grothman  
Member of Congress



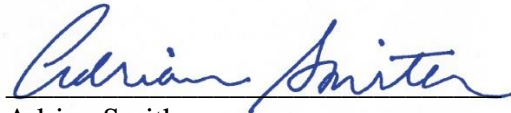
Gregory E. Murphy, M.D.  
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John H. Rutherford  
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Mike Johnson  
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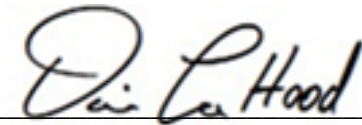
Adrian Smith  
Member of Congress



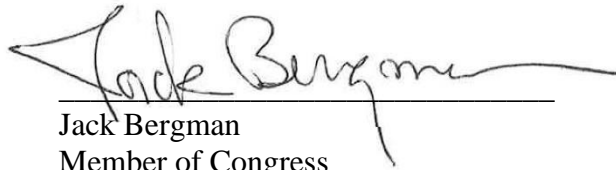
Beth Van Duyne  
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Fred Keller  
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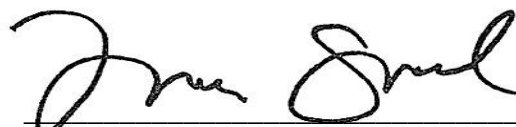
Darin LaHood  
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Jack Bergman  
Member of Congress



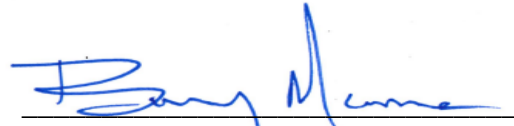
Warren Davidson  
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Michelle Steel  
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Kevin Hern  
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Barry Moore  
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Dan Newhouse  
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Tom McClintock  
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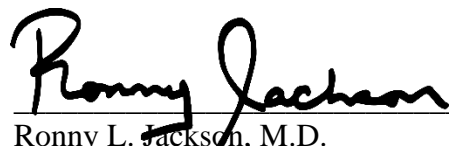
Michael Cloud  
Member of Congress



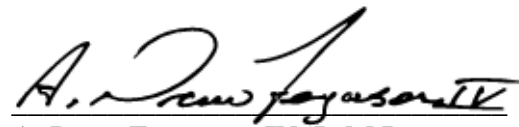
Eric A. "Rick" Crawford  
Member of Congress



Troy Balderson  
Member of Congress



Ronny L. Jackson, M.D.  
Member of Congress



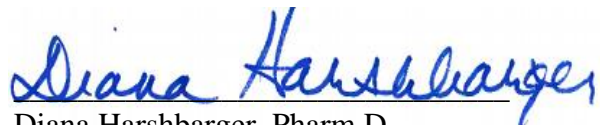
A. Drew Ferguson, IV, D.M.D.  
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Jody Hice  
Member of Congress



John Moolenaar  
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Diana Harshbarger, Pharm.D.  
Member of Congress



Tim Burchett  
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Jason Smith  
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C. Scott Franklin  
Member of Congress



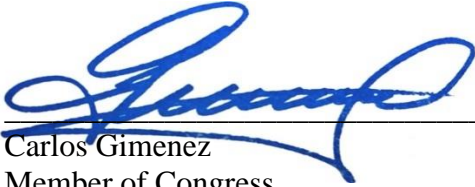
Tom Rice  
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Tom Reed  
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Mike Rogers  
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Carlos Gimenez  
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Ron Estes  
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Pete Sessions  
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Ted Budd  
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Greg Pence  
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Andy Harris, M.D.  
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Ben Cline  
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David Kustoff  
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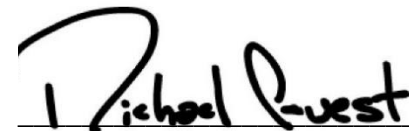
Glenn "GT" Thompson  
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Steve Chabot  
Member of Congress



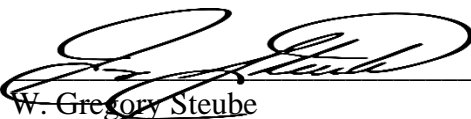
Mariannette J. Miller-Meeks, M.D.  
Member of Congress



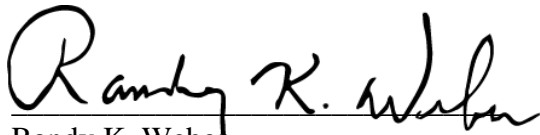
Michael Guest  
Member of Congress



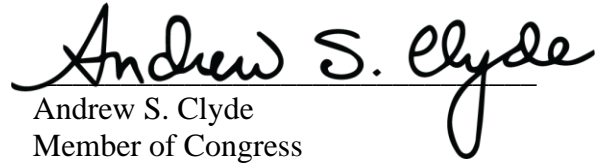
Claudia Tenney  
Member of Congress



W. Gregory Steube  
Member of Congress



Randy K. Weber  
Member of Congress



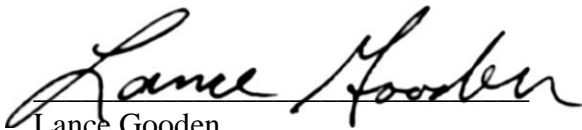
Andrew S. Clyde  
Member of Congress



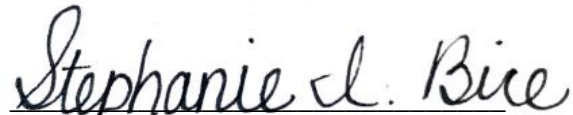
Marjorie Taylor Greene  
Member of Congress



Devin Nunes  
Member of Congress



Lance Gooden  
Member of Congress



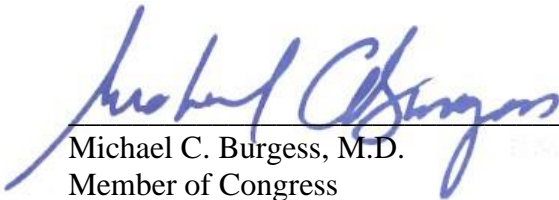
Stephanie Bice  
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Pat Fallon  
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Tracey Mann  
Member of Congress



Michael C. Burgess, M.D.  
Member of Congress



Daniel Webster  
Member of Congress



Kat Cammack  
Member of Congress



Mary Miller  
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Andy Biggs  
Member of Congress



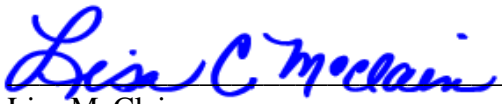
Darrell Issa  
Member of Congress



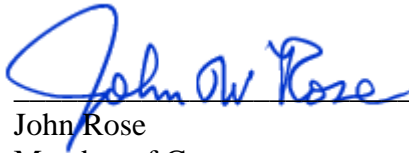
Carol D. Miller  
Member of Congress



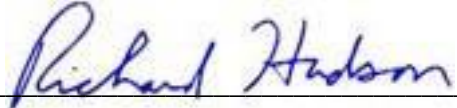
Rodney Davis  
Member of Congress



Lisa McClain  
Member of Congress



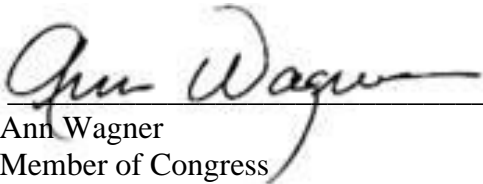
John Rose  
Member of Congress



Richard Hudson  
Member of Congress



Louie Gohmert  
Member of Congress



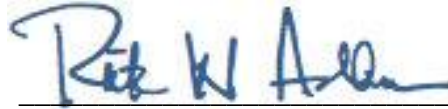
Ann Wagner  
Member of Congress



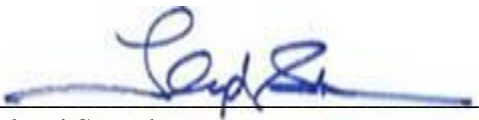
David Schweikert  
Member of Congress



Mario Diaz-Balart  
Member of Congress



Rick W. Allen  
Member of Congress



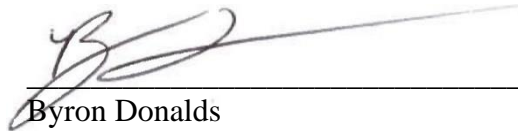
Lloyd Smucker  
Member of Congress



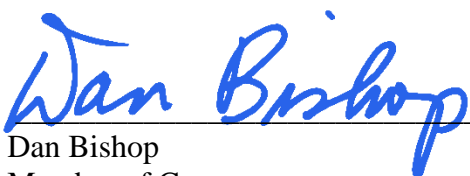
Bill Huizenga  
Member of Congress



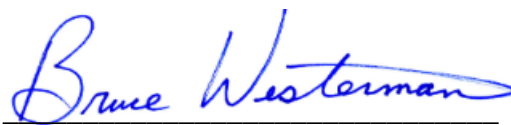
Jeff Fortenberry  
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Byron Donalds  
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Dan Bishop  
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Bruce Westerman  
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Jim Baird  
Member of Congress

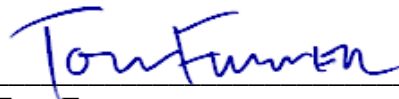


Andrew R. Garbarino  
Member of Congress

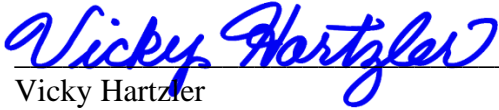




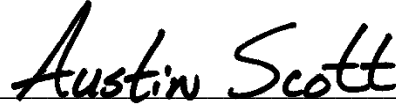
Nancy Mace  
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Tom Emmer  
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Austin Scott  
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Steven M. Palazzo  
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Trey Hollingsworth  
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Jake LaTurner  
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