

DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
7500 Security Boulevard, Mail Stop C3-01-20
Baltimore, Maryland 21244-1850
Phone 410-786-3176 Facsimile 410-786-0043



Office of the Attorney Advisor

Re: Select Medical 2002-03 Freestanding New Hospital Capital Related Cost Group,
PRRB Decision No. 2009-D36 (08/19/09) (FYE's Various)

Pursuant to 42 CFR 405.1875(c)(3)(iii), I recommend that the Administrator, Centers for Medicare & Medicaid Services, decline to review the decision entered by the Provider Reimbursement Review Board in this case.

/s/
Jacqueline R. Vaughn
Attorney Advisor

APPROVED:

Date: 10/9/09

/s/
Michelle Snyder
Acting Deputy Administrator
Centers for Medicare & Medicaid Services