

Congress of the United States
Washington, DC 20515

July 30, 2020

The Honorable Alex Azar
Secretary
The U.S. Department of Health
and Human Services
200 Independence Avenue, S. W.
Washington, D. C. 20201

Ms. Seema Verma
Administrator
Centers for Medicare & Medicaid Services
7500 Security Boulevard
Baltimore, MD 21244

Dear Secretary Azar and Administrator Verma:

We are writing today to urge you to delay the implementation of the Medicare Competitive Bidding Program (CBP) for Durable Medical Equipment, Prosthetics, Orthotics, and Supplies (DMEPOS) for one year or throughout the public health emergency (whichever is longer) to protect patient access, considering the unique situation that the pandemic has recently created. During the delay period, we also ask that the Department of Health and Human Services (HHS) and the Office of Management and Budget (OMB) support extending the blended rates in both competitive bid areas (CBA's) and non-CBAs to maintain access and stability across all parts of the country.

DMEPOS suppliers are playing a major role in caring for COVID-19 patients and addressing hospital surge by allowing patients to be treated at home and not in hospital settings. As CMS recognized in its COVID-19 Interim Final Rule¹ by expanding access to certain DMEPOS, home respiratory products are helpful to the recovery of patients with COVID-19. The CBP is scheduled to release contracts for round 2021 this summer². As you are aware, once the contracts are released, suppliers will learn whether they will be required to leave the markets of which they have not won contracts³. Limiting suppliers in the competitive bidding areas is appropriate under normal circumstances, but it is not during a pandemic when the number of Medicare beneficiaries who will likely require DMEPOS is continuing to increase⁴. We need to ensure that we can meet the growing need of home care products and the agency should not take this time to shift cost to institutional and clinical care.

¹ Centers for Medicare & Medicaid Services (CMS), HHS, 42 CFR Parts 409, 410, 412, 413, 414, 415, 424, 425, 440, 483, 484 and 600 (2020).

² CBIC, Round 2021, Timeline, <https://www.dmecompetitivebid.com/cbic/cbic2021.nsf/DocsCat/MIXQD9OZCY> (2019).

³ Centers for Medicare & Medicaid Services (CMS), HHS, General Overview of the Final Rule for Competitive Acquisition for Certain Durable Medical Equipment, Prosthetics, Orthotics, and Supplies, Page 4 (2007).

⁴ MedPAC Report to Congress: Medicare and the Health Delivery System, Chapter 2, Page 35, (2015).

During this pause, CMS and the DMEPOS industry should work together to understand the patient need and potential impact that COVID-19 may have on certain product categories, such as home respiratory therapies. This understanding is important to ensuring that there will be enough capacity to treat patients once the CBP is launched.

We respectfully urge you to use your authority in pausing the CBP for one year or throughout the public health emergency (whichever is longer) due to the unprecedented burden that the COVID-19 pandemic has caused for home care providers, patients, and suppliers. Thank you for your attention to this important matter.

Sincerely,



Cathy McMorris Rodgers
Member of Congress



Dave Loebsack
Member of Congress

Brian Fitzpatrick
Member of Congress

Troy Balderson
Member of Congress

Mike Bost
Member of Congress

Dan Meuser
Member of Congress

Roger Marshall, M.D.
Member of Congress

Greg Gianforte
Member of Congress

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Billy Long
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John Curtis
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Steve King
Member of Congress

Rick Crawford
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Mike Johnson
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David P. Roe, M.D.
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Mike Simpson
Member of Congress

Robert B. Aderholt
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Cindy Axne
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Paul D. Tonko
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Jeff Van Drew
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Jackie Walorski
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Frank D. Lucas
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Ralph Abraham, M.D.
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Peter Visclosky
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Carol D. Miller
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Tom Reed
Member of Congress

Guy Reschenthaler
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David B. McKinley P.E.
Member of Congress

Blaine Luetkemeyer
Member of Congress

Abby Finkenauer
Member of Congress

Anthony Brindisi
Member of Congress

Angie Craig
Member of Congress

Earl L. “Buddy” Carter
Member of Congress

Grace F. Napolitano
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Steven Horsford
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Glenn Grothman
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Tom O'Halleran
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Ron Kind
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Tim Walberg
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Sam Graves
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Denny Heck
Member of Congress

Cc: Russell T. "Russ" Vought, Director (Acting), Office of Management and Budget
Brooke Leslie Rollins, Assistant to the President for Domestic Policy and Director (Acting),
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National Economic Council
Mark Randall Meadows, Assistant to the President and Chief of Staff, The White House
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