

[text from Dear Colleague email sent to all House offices – July 20, 2020]

## **Sign Letter to CMS to Delay Competitive Bidding Program**

***Deadline to sign: COB Wednesday, July 29***

Dear Colleague:

We write to request your support for signing onto the attached letter to Department of Health and Human Services (HHS) Secretary Alex Azar and Centers for Medicare and Medicaid Services (CMS) Administrator Seema Verma requesting a delay in 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). This will protect patient access, considering the unique situation that the pandemic has recently created. During the delay period, we also ask that HHS and the Office of Management and Budget (OMB) support extending the blended rates in both CBA's and non-competitive bid areas to maintain access and stability across all parts of the country.

We appreciate HHS and CMS' efforts to make changes to Medicare policy to protect beneficiaries' access to vital health care services during the COVID-19 pandemic, but are concerned with the impact that the implementation of DMEPOS Competitive Bidding Program, which is scheduled to restart on January 1, 2021, will have during this health care emergency. The current program has been on pause for 2 years so CMS could redesign the program to make it sustainable. We were pleased with CMS' effort to make improvements in the program, but the health care environment changed with the spread of the virus. The design of the program is to reduce the number of suppliers in each competitive bidding area, by offering exclusive contracts to a small number of providers. Unfortunately, most of the competitive bidding areas are in COVID-19 hotspots. We do not believe this is the right time to move forward with implementation and CMS should wait until the public health emergency has ended.

Our letter urges HHS and CMS to delay the CBP, so the administration can work with stakeholders to ensure that there are safeguards in place to protect beneficiary access and address challenges that the COVID-19 pandemic has created before moving forward with this program.

To sign this letter, which closes on July 29, please contact Kristin Flukey in Representative Cathy McMorris Rodgers' office or Scott Stockwell in Representative David Loebsack's office.

Sincerely,

Cathy McMorris Rodgers  
Member of Congress

David Loebsack  
Member of Congress

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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 Rule 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 summer. 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 contracts. 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 increase. 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.

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.