



December 2, 2019

**SUBMITTED ELECTRONICALLY**

The Honorable Morgan Griffith  
U.S. House of Representatives  
2202 Rayburn House Office Building  
Washington, DC 20515

The Honorable Peter Welch  
U.S. House of Representatives  
2187 Rayburn House Office Building  
Washington, DC 20515

**Re: Support for Legislation to Ensure Patient Access to Non-Invasive Ventilators**

Dear Representatives Griffith and Welch:

The undersigned members of the Independence Through Enhancement of Medicare and Medicaid (ITEM) Coalition write to express our strong support for the Safeguarding Medicare Access to Respiratory Therapy (SMART) Act. This bipartisan legislation will prohibit the Centers for Medicare and Medicaid Services (CMS) from including ventilators (whether invasive or non-invasive) and any other respiratory items in the Competitive Bidding Program (CBP) for Durable Medical Equipment, Prosthetics, Orthotics, and Supplies (DMEPOS), ensuring stable patient access to these critical devices.

The ITEM Coalition is a national consumer and clinician-led coalition advocating for access to and coverage of assistive devices, technologies, and related services for persons with injuries, illnesses, disabilities, and chronic conditions of all ages. Our members represent individuals with a wide range of disabling conditions, as well as the providers who serve them, including such conditions as multiple sclerosis, spinal cord injuries, brain injuries, stroke, paralysis, limb loss, cerebral palsy, hearing and speech impairments, visual impairments, vision loss, spina bifida, myositis, and other life-altering conditions.

The ITEM Coalition has had a long-standing concern that the DMEPOS CBP limits access, choice, and quality of care; we have seen the negative implications of this program in the area of complex rehabilitation technology (CRT). We believe that the CMS's decision to expand competitive bidding to non-invasive ventilators will similarly jeopardize Medicare beneficiaries' ability to receive care that best meets their unique medical and functional needs.

The SMART Act would ensure beneficiary access to ventilators by excluding them from competitive bidding for five years. Additionally, it would direct the Secretary to convene a technical expert panel, including, importantly, home invasive and noninvasive ventilator patients and caregivers, to review Medicare's coverage of ventilators and other respiratory devices and related devices. In order to provide the appropriate care for beneficiaries who need respiratory devices and related therapy, it is essential to review and update national coverage determinations to align with current, evidence-based best practices and patient needs.

As a coalition comprised largely of consumer organizations, many of which represent individuals with individuals with debilitating neuromuscular conditions (such as amyotrophic lateral sclerosis [ALS]), spinal cord injury, thoracic restrictive disorder, quadriplegia, chronic obstructive pulmonary disease (COPD), and other serious medical conditions, we are concerned that the competitive bidding of ventilators will increase medical risks for patients. Ventilators are essential life support systems for the patients who use them, and the medical stability of vulnerable patients should not be subject to a program designed to cut costs with limited regard for quality.

Excluding ventilators from the CBP is critical to ensuring that patients are able to receive the care they need, and in fact, may save the Medicare program money by protecting against secondary costs. If patients are unable to access high-quality ventilators and related clinical support, they may be forced to turn to more costly institutional settings – such as hospitals, skilled nursing facilities, and long-term care facilities – to receive the care they need. This would undoubtedly come at a higher cost to the Medicare program and diminish patients’ quality of life. The SMART Act will protect patient access to ventilators and lead to needed reforms for coverage of these and other respiratory devices. We strongly support this legislation and urge Congress to pass the bill in the 116<sup>th</sup> Congress.

We greatly appreciate your leadership on this important issue. Should you have any further questions regarding the information contained in our letter, please contact the ITEM Coalition Coordinators by email at [Peter.Thomas@PowersLaw.com](mailto:Peter.Thomas@PowersLaw.com) or [Joseph.Nahra@PowersLaw.com](mailto:Joseph.Nahra@PowersLaw.com) or by phone at 202-466-6550.

Sincerely,

**ITEM Coalition Steering Committee Members**

Christopher and Dana Reeve Foundation  
Paralyzed Veterans of America  
United Spinal Association

**ITEM Coalition Signatories**

ACCSES  
The ALS Association  
American Academy of Physical Medicine & Rehabilitation  
American Association on Health and Disability  
American Congress of Rehabilitation Medicine  
American Medical Rehabilitation Providers Association  
American Music Therapy Association  
American Occupational Therapy Association  
American Physical Therapy Association  
American Therapeutic Recreation Association  
The Arc of the United States  
Association of Assistive Technology Act Programs

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Brain Injury Association of America  
Caregiver Action Network  
Caregiver Voices United  
Center for Medicare Advocacy  
Clinician Task Force  
Institute for Matching Person and Technology  
Lakeshore Foundation  
National Association for the Advancement of Orthotics and Prosthetics  
National Association for the Support of Long Term Care  
National Coalition for Assistive and Rehab Technology  
National Registry of Rehabilitation Technology Suppliers  
National Association for the Advancement of Orthotics & Prosthetics  
Rehabilitation Engineering and Assistive Technology Society of North America  
Spina Bifida Association