July 30, 2020

The Honorable Alex Azar  Ms. Seema Verma
Secretary Secretary
The U.S. Department of Health Centers for Medicare & Medicaid Services
and Human Services 7500 Security Boulevard
200 Independence Avenue, S. W. Baltimore, MD 21244
Washington, D. C. 20201

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\(^1\) 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\(^2\). 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\(^3\). 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\(^4\). 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.

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\(^{1}\) Centers for Medicare & Medicaid Services (CMS), HHS, 42 CFR Parts 409, 410, 412, 413, 414, 415, 424, 425, 440, 483, 484 and 600 (2020).
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  
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Roger Marshall, M.D.  
Member of Congress

Greg Gianforte  
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Billy Long  
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Paul Mitchell  
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John Curtis  
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Steve King  
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David P. Roe, M.D.  
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Robert B. Aderholt  
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Abby Finkenauer  
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Paul D. Tonko  
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Angie Craig  
Member of Congress

Jeff Van Drew  
Member of Congress

Earl L. “Buddy” Carter  
Member of Congress

Jackie Walorski  
Member of Congress

Grace F. Napolitano  
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Frank D. Lucas  
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Steven Horsford  
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Ralph Abraham, M.D.  
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Ron Kind
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Tim Walberg
Member of Congress

Sam Graves
Member of Congress

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), Domestic Policy Council
Lawrence A. "Larry" Kudlow, Assistant to the President for Economic Policy and Director, National Economic Council
Mark Randall Meadows, Assistant to the President and Chief of Staff, The White House Office