

Congress of the United States
Washington, DC 20515

October 12, 2021

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

The Honorable Chiquita Brooks-LaSure
Administrator
Centers for Medicare & Medicaid Services
7500 Security Boulevard
Baltimore, MD 21244

Dear Secretary Becerra and Administrator Brooks-LaSure:

We are writing today to urge you to finalize the Centers for Medicare & Medicaid Services (CMS) Calendar Year 2021 Durable Medical Equipment, Prosthetics, Orthotics and Supplies (DMEPOS) Proposed rule issued on October 27th, 2020, including the provision to extend the Medicare “50/50” blended rate for Durable Medical Equipment (DME) in rural and non-contiguous areas. We also request that you consider additional policies to ensure access to DME items for Medicare beneficiaries, including further payment modifications to items removed from the 2021 round of DMEPOS Competitive Bidding Program (CBP). Ultimately, interruptions in the supply of DME could harm our seniors and their access to life-enabling equipment such as oxygen and ventilators.

We are grateful for CMS’ recognition of the need to ensure payment rates, such as the 50/50 blended rate, that are sufficient to maintain access to DME in areas where suppliers often furnish a lower volume of equipment, particularly in rural parts of the country. We ask that in finalizing its rule that the Department of Health and Human Services (HHS) and CMS carefully examine access to equipment and supplies in rural parts of the country while also exercising their authority to address any lingering DME access concerns in other parts of the country, including non-competitive bidding and competitive bidding areas alike.

Costs for DME have continued to rise throughout the pandemic response. Increased stresses on the global supply chain and shortages of component materials have caused significant price increases for equipment. DME suppliers also face higher delivery costs, labor cost increases, and increased costs for new operational requirements associated with ensuring patient and employee safety. Concurrently, demand has increased for key product categories that are used to treat COVID-19 patients, such as oxygen, ventilators, and other products and services, as a growing number of individuals are being released from hospitals to their homes instead of health care facilities.

DME suppliers and the patients they serve have told us how they are constrained by existing Medicare payment rates based on outdated, 2016 pricing methodologies that do not fully account for significantly increased costs of providing life-sustaining medical equipment, services, and supplies in today's environment. As you consider finalizing this rule and other related actions, we strongly encourage you to listen to suppliers and patients who are affected by these significant cost pressures and that you carefully consider how those pressures may affect patient access to vital medical equipment and supplies.

DME manufacturers and suppliers have played a major role in reducing stresses on hospitals and clinicians during the COVID-19 pandemic and will continue to support the growing cohort of seniors and individuals with disabilities and chronic conditions with cost-effective, home-based care. Without sustainable, market-based Medicare payment rates, access to DME and related homecare services will be threatened for millions of Americans.

We therefore urge CMS to finalize the DME rule and extend the 50/50 blended rates in rural and non-contiguous parts of the country. We also encourage CMS to engage with patient and supplier stakeholders to consider taking further action to adjust Medicare payment rates for DME items removed from the 2021 round of Competitive Bidding to account for the increased costs and current market realities facing DME manufacturers and suppliers until a new bidding round is completed.

Sincerely,



Cathy McMorris Rodgers
Member of Congress

/s/

David B. McKinley P.E.
Member of Congress

/s/

Anthony Gonzalez
Member of Congress

/s/

Mike D. Rogers
Member of Congress



Paul Tonko
Member of Congress

/s/

Earl L. "Buddy" Carter
Member of Congress

/s/

Larry Bucshon, M.D.
Member of Congress

/s/

Robert B. Aderholt
Member of Congress

/s/
H. Morgan Griffith
Member of Congress

/s/
Dan Meuser
Member of Congress

/s/
Bruce Westerman
Member of Congress

/s/
Billy Long
Member of Congress

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Brian Fitzpatrick
Member of Congress

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C.A. Dutch Ruppersberger
Member of Congress

/s/
Thomas R. Suozzi
Member of Congress

/s/
Tim Walberg
Member of Congress

/s/
Jackie Walorski
Member of Congress

/s/
Kevin McCarthy
Member of Congress

/s/
Marcy Kaptur
Member of Congress

/s/
Greg Pence
Member of Congress

/s/
Cindy Axne
Member of Congress

/s/
Fred Keller
Member of Congress

/s/
Glenn "GT" Thompson
Member of Congress

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Terri A. Sewell
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John Joyce, M.D.
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Tom Reed
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Tom Cole
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Kelly Armstrong
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Ashley Hinson
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Jeff Duncan
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Vicky Hartzler
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Markwayne Mullin
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Mark Amodei
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Debbie Lesko
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Pete Stauber
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Brett Guthrie
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Glenn Grothman
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Austin Scott
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Jason Smith
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Burgess Owens
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Randy Feenstra
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Angie Craig
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David Rouzer
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Deborah K. Ross
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Diana DeGette
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J. Luis Correa
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Danny K. Davis
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Raja Krishnamoorthi
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Mark E. Green, M.D.
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Sam Graves
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Haley Stevens
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Derek Kilmer
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Mike Doyle
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Mo Brooks

Member of Congress