

**Congress of the United States**  
**Washington, DC 20515**

June 2, 2008

Honorable Fortney Pete Stark  
Chairman  
House Committee on Ways and Means  
Subcommittee on Health  
1135 Longworth House Office Building  
Washington, D.C. 20515

Honorable Dave Camp  
Ranking Member  
House Committee on Ways and Means  
Subcommittee on Health  
1135 Longworth House Office Building  
Washington, D.C. 20515

Dear Chairman Stark and Ranking Member Camp:

We write to bring to your attention our continuing and serious concerns with the Medicare durable medical equipment, prosthetics, orthotics, and supplies (DMEPOS) competitive bidding program and ask that you support legislation this year to delay the implementation of this program until outstanding issues can be resolved.

Our overall concern is focused on the implementation of the program thus far and its implications for Medicare beneficiaries receiving high quality health care. Almost four million Medicare beneficiaries will be impacted by Round 1 of the competitive bidding program scheduled to take effect July 1. Eighteen million beneficiaries will be affected by Round 2 which is scheduled for implementation in July 2009. Our request is legislation that would delay the implementation of this program until outstanding issues are resolved.

Our first concern is the alleged discrepancies between information submitted by bidders and received by the Center for Medicare and Medicaid Services (CMS). We have all heard from long-standing companies who have offered quality homecare services for decades, but who have been excluded from the bidding program, apparently through no fault of their own. The vast majority of rejected bidders were informed that they have not submitted sufficient financial information, when in many cases, bidders have evidence they had. These rejected bidders have no appeal rights.

In other examples, reputable home oxygen providers were disqualified for allegedly bidding too low on certain individual items subject to bidding, while other providers based outside the market area were offered contracts for similarly-priced bids. Another serious concern is the reports of companies who won bids to serve beneficiaries in areas where the company has no proximate physical location and where the company has no history of serving. It is possible that contract suppliers may be able to quickly subcontract with local homecare providers, but we are very concerned that the suppliers will not be able to meet the needs of Medicare beneficiaries in bidding areas effective July 1, 2008.

Finally, we are seeking more transparency from CMS as to how bidders' financial information and service capacity were evaluated and how the single payment amount was

calculated. We have heard about numerous data anomalies and believe this information is critical to the bidding program's success. At the very least an internal review should be conducted to ensure the accuracy and effectiveness of the criteria for future bidding. We all agree that it is of the utmost importance that we protect access to quality medical supplies for all of Medicare beneficiaries and people with disabilities. Therefore, we urge that the implementation of Round 1 be delayed for at least a year.

Sincerely,



John Tanner, M.C.



David Hobson, M.C.



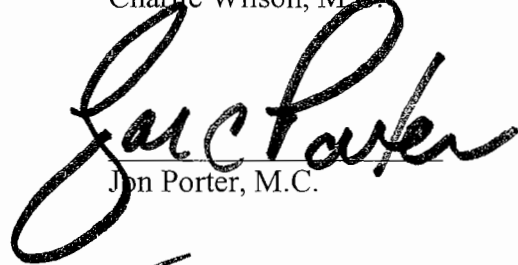
Jason Altmire, M.C.



Charlie Wilson, M.C.



Sam Farr, M.C.



Jon Porter, M.C.



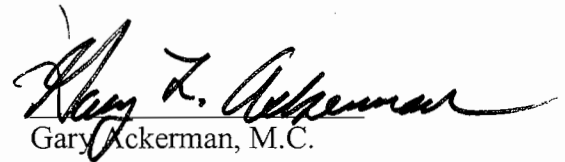
Steve Chabot, M.C.



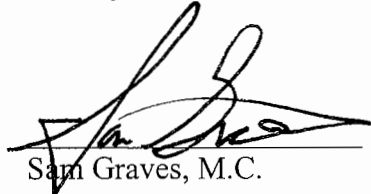
Tim Holden, M.C.



Tim Ryan, M.C.



Gary Ackerman, M.C.



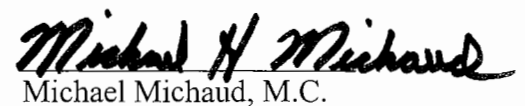
Sam Graves, M.C.



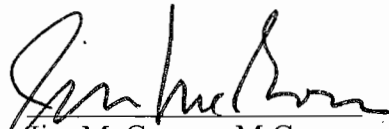
Betty Sutton, M.C.

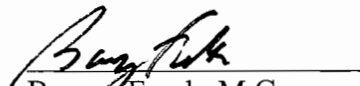



Nancy Boyda, M.C.



Michael Michaud, M.C.


  
Jim McGovern, M.C.

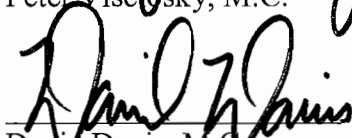
  
Barney Frank, M.C.


  
Niki Tsongas, M.C.

  
David Scott, M.C.

  
Rick Larsen, M.C.

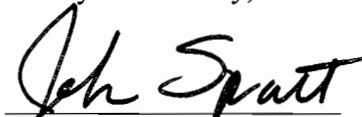
  
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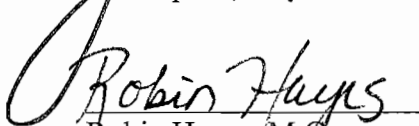
  
David Davis, M.C.

  
James Oberstar, M.C.

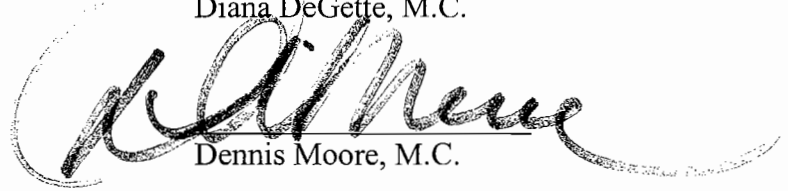
  
Mark Udall, M.C.


  
Carolyn McCarthy, M.C.

  
John Spratt, M.C.

  
Robin Hayes, M.C.

  
Diana DeGette, M.C.


  
Dennis Moore, M.C.

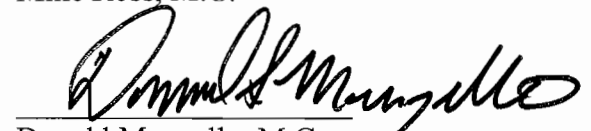
  
John Salazar, M.C.

  
Robert Andrews, M.C.

  
Joe Courtney, M.C.

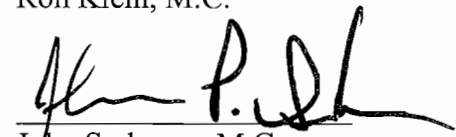
  
Dale Kildee, M.C.

  
Mike Ross, M.C.

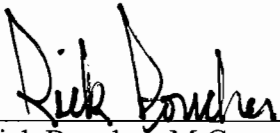
  
Donald Manzullo, M.C.

  
Robert Wittman, M.C.

  
Ron Klein, M.C.

  
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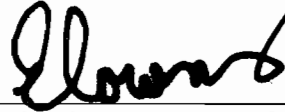
  
Rob Bishop, M.C.



Rick Boucher, M.C.



Joe Baca, M.C.



Edolphus Towns, M.C.



Kendrick Meek, M.C.



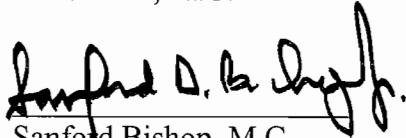
Joe Donnelly, M.C.



Phil English, M.C.



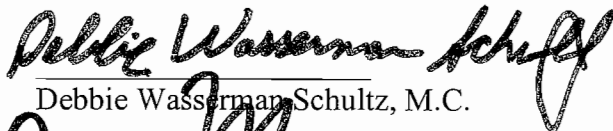
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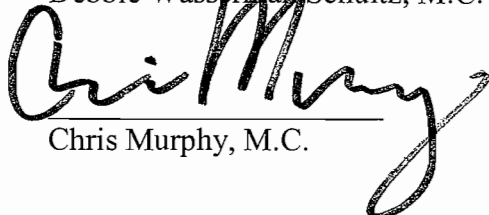
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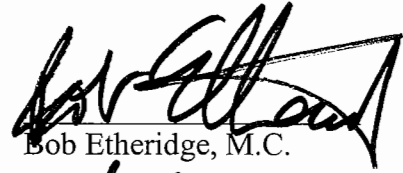
C.A. Dutch Ruppberger, M.C.



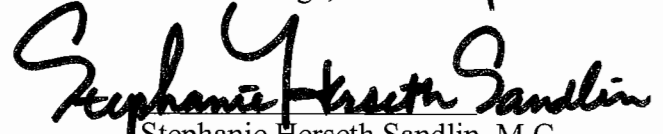
Debbie Wasserman Schultz, M.C.



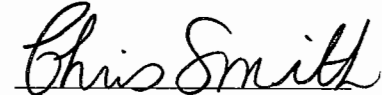
Chris Murphy, M.C.



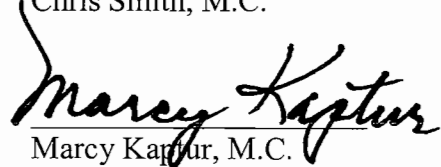
Bob Etheridge, M.C.



Stephanie Herseth Sandlin, M.C.



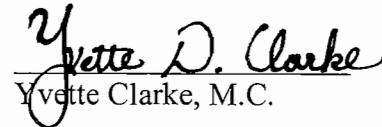
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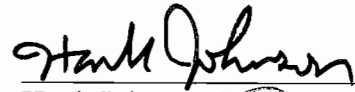
Marcy Kaptur, M.C.



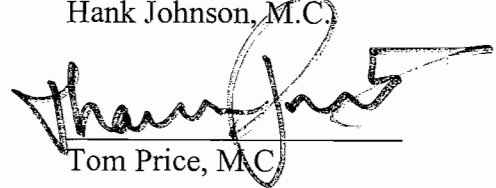
Ben Chandler, M.C.



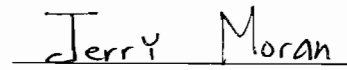
Yvette Clarke, M.C.



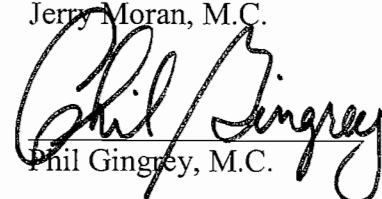
Hank Johnson, M.C.



Tom Price, M.C.



Jerry Moran, M.C.



Phil Gingrey, M.C.



Michael Turner, M.C.

  
Virgil Goode, M.C.

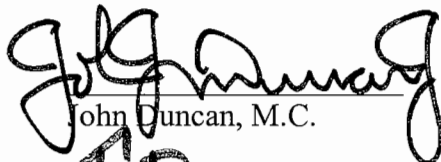
  
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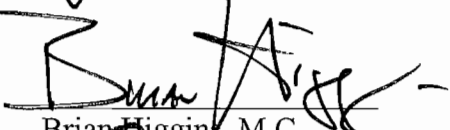
  
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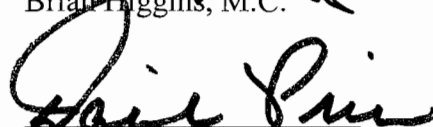
  
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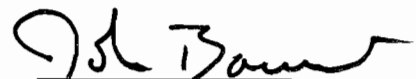
  
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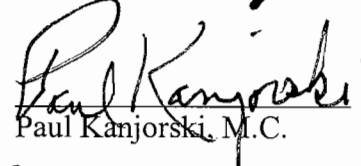
  
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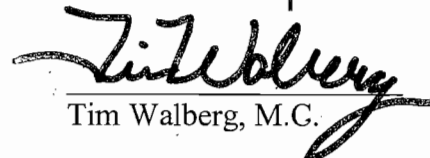
  
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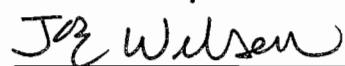
  
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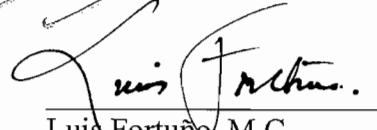
  
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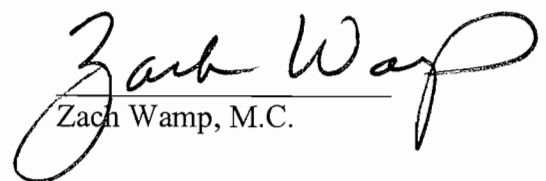
  
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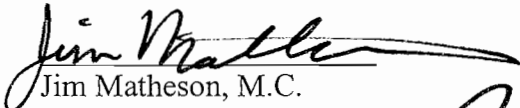
  
Marsha Blackburn, M.C.

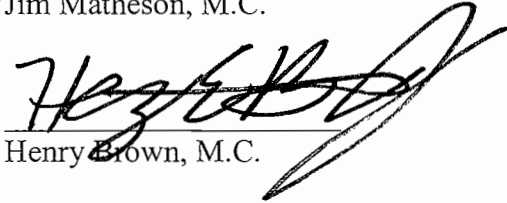
  
Joe Wilson, M.C.


  
Lincoln Davis, M.C.

  
Luis Fortuño, M.C.

  
Zach Wamp, M.C.

  
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Henry Brown, M.C.

  
John Yarmuth, M.C.

  
Ralph Regula, M.C.


  
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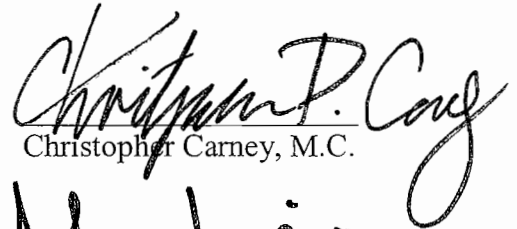
  
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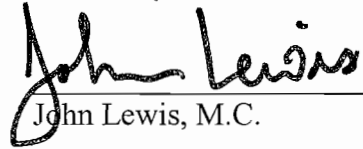
  
Gus Bilirakis, M.C.

  
Albio Sires, M.C.


  
Shelley Moore Capito, M.C.

  
Nick Rahall, M.C.

  
Christopher Carney, M.C.

  
John Lewis, M.C.

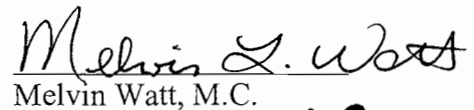
  
Lynn Westmoreland, M.C.

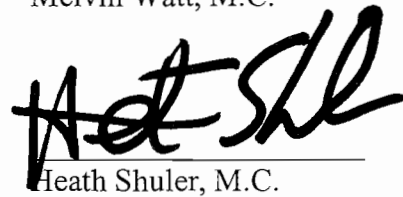
  
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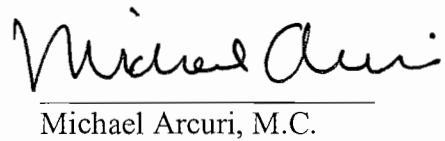
  
Paul Brown, M.C.

  
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Tim Murphy, M.C.

  
Melvin Watt, M.C.

  
Heath Shuler, M.C.

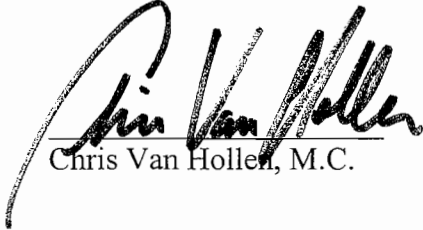
  
Michael Arcuri, M.C.



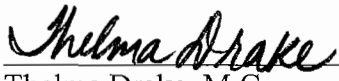
Mike Thompson, M.C.



Lincoln Diaz-Balart, M.C.



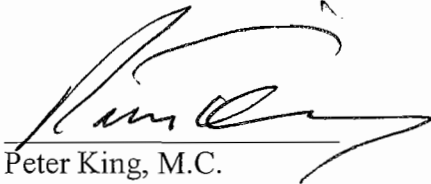
Chris Van Hollen, M.C.



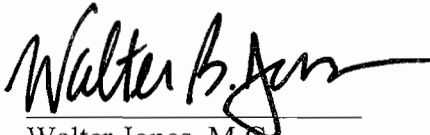
Thelma Drake, M.C.



William Delahunt, M.C.



Peter King, M.C.



Walter Jones, M.C.



Ed Whitfield, M.C.



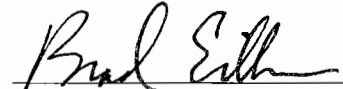
Robert Wexler, M.C.



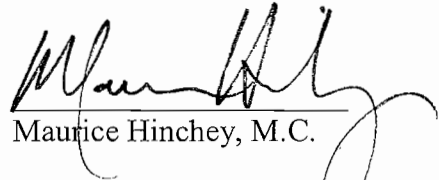
Ileana Ros-Lehtinen, M.C.



Vern Buchanan, M.C.



Brad Miller, M.C.



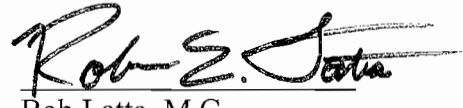
Maurice Hinchey, M.C.



Jack Kingston, M.C.



Chris Cannon, M.C.



Bob Latta, M.C.



Donald Payne, M.C.

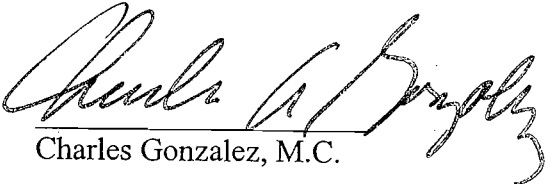


Bruce Braley, M.C.

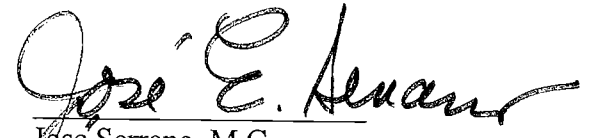
  
Eliot Engel, M.C.

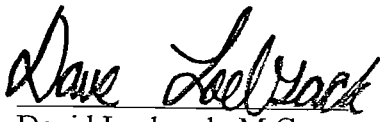
  
Dave Weldon, M.C.

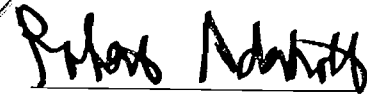
  
Steve Israel, M.C.

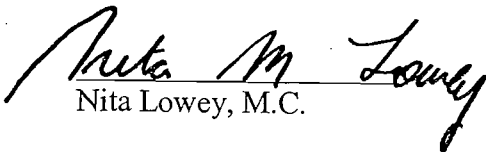
  
Charles Gonzalez, M.C.


  
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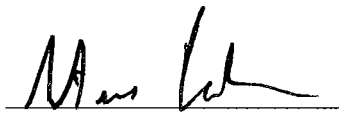
  
Jose Serrano, M.C.

  
David Loebsock, M.C.

  
Robert Aderholt, M.C.

  
Nita Lowey, M.C.

  
Anthony Weiner, M.C.

  
Steve Cohen, M.C.

  
Randy Kuhl, M.C.

cc: Honorable Nancy Pelosi, Speaker;  
Honorable Steny Hoyer, Majority Leader;  
Honorable John Boehner, Minority Leader