



May 25, 2016

The Honorable Paul Ryan
Speaker of the House
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Nancy Pelosi
Minority Leader
U.S. House of Representatives
Washington, D.C. 20515

RE: Disability Community Support for the Patient Access to Durable Medical Equipment Act of 2016 (PADME), H.R. 5210

The Independence Through Enhancement of Medicare and Medicaid Coalition (ITEM Coalition) strongly supports immediate passage of H.R. 5210, the *Patient Access to Durable Medical Equipment Act of 2016* (PADME). This bipartisan legislation was recently introduced by Congressman Tom Price and Congressman Dave Loebsack, along with multiple bipartisan cosponsors. With a critical deadline for action on this bill looming on July 1, 2016, the sooner this legislation can advance through the House, the higher the likelihood that Medicare beneficiaries will continue to have access to the durable medical equipment and assistive devices they need to be healthy, functional and independent.

ITEM Coalition is a national consumer and clinician-led coalition advocating for access to and coverage of assistive devices and technologies for persons with injuries, illnesses, disabilities and chronic conditions of all ages. Our 75 member organizations represent individuals with a wide range of disabling conditions, as well as the providers who serve them, including such conditions as multiple sclerosis, cerebral palsy, spinal cord injury, brain injury, stroke, limb loss, diabetes, ALS, and other conditions. ITEM is committed to ensuring that Medicare beneficiaries and all individuals have access to and coverage of the full spectrum of devices, technologies, and related services that are medically necessary and most appropriate for treatment, rehabilitation, and meeting the functional needs of daily living.

The ITEM Coalition has had long-standing concerns about the Centers for Medicare and Medicaid Services' (CMS') competitive acquisition program centered around access, choice and quality of care. These concerns tend to outweigh any marginal benefits beneficiaries receive through reduced copayments. However, our coalition rarely takes positions on provider reimbursement issues unless cuts in reimbursement are so significant as to create concerns about beneficiary access to quality care.

CMS already imposed a major cut in DME fees in rural areas (outside of Metropolitan Statistical Areas (MSAs)) on January 1 of this year, and another major cut will occur on July 1, 2016, unless Congress acts to postpone it. A delay in the second reimbursement cut in rural areas

would enable CMS to better assess the impact the first cut is having on beneficiary access to care, before imposing additional reductions in the DME fee schedule for rural areas. With the deadline looming, the ITEM Coalition has profound concerns that some of the most vulnerable Medicare beneficiaries are at risk of losing access to critical durable medical equipment and supplies. We urge Congress to act as expeditiously as possible.

H.R. 5210 would accomplish three primary objectives, all of which would ultimately put the interests of beneficiaries first. The bill would:

1. Postpone for 15 months a second deep cut in Medicare fees for durable medical equipment provided to Medicare beneficiaries in rural areas across the country. Without this delay, there is a strong likelihood that Medicare beneficiaries will be denied access to critical DME as early as this summer;
2. Require CMS to have greater transparency regarding beneficiary impact/access through monthly postings on its website of monitoring data, and to consider specific rural factors such as travel distances in setting future DME Medicare rates in those areas;
3. Preserve the bid ceiling in future rounds of competitive bidding at the 2015 unadjusted fee schedule rate, thereby eliminating artificial barriers to finding the true market price for durable medical equipment.

This legislation is intended to be budget neutral and will meaningfully address the threat that current Medicare law poses for beneficiaries dependent on durable medical equipment and supplies to be healthy, functional, and to live as independently as possible. Therefore, we strongly urge you and your House colleagues to immediately pass H.R. 5210.

On behalf of our member organizations, we greatly appreciate your attention to our views. If you have questions, please contact any of the ITEM Steering Committee members listed below.

Sincerely,

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