Congress of the United States
Washington, DC 20515

March 28, 2014

Marilyn Tavenner
Administrator
Centers for Medicare & Medicaid Services
U.S. Department of Health and Human Services
200 Independence Avenue, SW
Washington DC 20201

Dear Administrator Tavenner:

We write to express our concerns with the Centers for Medicare & Medicaid Services (CMS) Advanced Notice of Proposed Rulemaking (CMS-1460-ANPRM) entitled "*Medicare Program; Methodology for Adjusting Payment Amounts for Certain Durable Medical Equipment, Prosthetics, Orthotics, and Supplies (DMEPOS) using Information from Competitive Bidding Programs*", published on February 26, 2014. We have concerns with the DMEPOS Competitive Bidding Program and believe that prior to any expansion of the program or the application of bid rates to non-competitive bid areas, the structure of the program needs to be further refined.

As you are aware, many Members of Congress have repeatedly weighed in with CMS on issues surrounding the DMEPOS Competitive Bidding Program. Their concerns have stemmed from the lack of transparency, the improper vetting of the financial wherewithal of many firms that have been awarded contracts, and design flaws that were identified by over 240 economists and auction experts, who addressed the lack of binding bids during the bid process. Due to some of these problems, the Health and Human Services Office of Inspector General (OIG) has agreed to further investigate CMS's implementation of the DMEPOS Competitive Bidding Program. Given the OIG's determination, we believe that it would be unwarranted to move in a direction that expands the program to non-competitive bid areas, prior to the findings of the investigation.

While we certainly appreciate CMS's statutory obligation to implement a nation-wide program by 2016, we believe it is more important at this time for CMS to work with Congress in order to address many of these problems. Therefore, we respectfully request that CMS refrain from further action until the finding of the OIG investigation and reports mandated by law have been presented to elected officials and adequate time is provided to review and take action on any findings and recommendations.

We believe that Congress has an appropriate oversight role when it comes to implementing the DMEPOS Competitive Bidding Program. Equally so, we believe that CMS can work with Congress to address these ongoing problems in a manner that will best serve Medicare beneficiaries. We appreciate your consideration and look forward to your timely reply.

Sincerely,

Glenn 'GT' Thompson
Member of Congress

Bruce Braley
Member of Congress

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Peter J. Visclosky

Michael R. Turner

Lee Terry

Shelley Moore Capito

Chris Smith

Aaron Sims

Ralph M. Hall

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Louise M. Slaughter

Roland J. Wittman

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Tammy Duckworth

Pat Tiberi

Lou Barletta

Jeff Duncan

Bill Posey

Bob Gibbs

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Vicky Hartzler

Chris Collins

Tim Ryan

Dave Loebsack

Duane Black

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Keith Ellison

Tulsi Gabbard

Hank Johnson

Michael E Capuano

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J Rady Forbes

Frank R Wolf

Brian Higgins

Rick Rahall

Jim Sensenbrenner

Brett Guthrie

Marsha Blackburn

Alan Nunnelee

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Elizabeth H. Esty