

"Working to Improve the Lives of People Who Require Supplementary Oxygen"

November 18, 2009

The Honorable Kendrick Meek
U.S. House of Representatives
1039 Longworth House Office Building
Washington, D.C. 20515

Dear Congressman Meek,

The Board of Directors of the National Home Oxygen Patients Association has reviewed and unanimously voted our strong support for your proposed legislation, HR 3790, legislation that would repeal competitive bidding for durable medical equipment under the Medicare program.

The competitive bidding process program structured by the Centers for Medicare and Medicaid (CMS) is seriously flawed for several reasons:

--The competitive process, coupled with recent Medicare cutbacks in reimbursement for oxygen-producing equipment, has opened the door for potential bidders to come forth with the lowest-priced but conventional systems that do not reflect state of the art technology with the critical feature of mobility. In our view the oxygen device industry is bringing to market a host of light-weight liquid as well as gas products that greatly enhance the ability of many users to move about, leave the house, attend meetings, hold jobs, travel and otherwise lead normal, active lives. We now sense that some device manufacturers have now halted research and development of new products, given the gloomy outlook for market support.

--The competitive process takes away from oxygen users the choice of providers that had provided healthy market competition up to now. CMS has refused to support the concept of "any willing provider" that would permit any provider willing to accept the competitively bid rates to participate in the program. We continue hearing stories from our members of service cutbacks by suppliers in response to payment cuts, and competitive bidding could mean no one to turn to as an alternative supplier.

--For patients whose needs go beyond just oxygen to include items such as nebulizers and CPAP devices which are frequently part of comprehensive therapy for COPD and related diseases, the competitive bidding system virtually ensures that beneficiaries would no longer receive the services from a single provider.

--Competitive bidding may offer yet another avenue for the fraud that is reportedly taking billions of dollars from Medicare that ought to be kept in the treasury or applied to legitimate costs such as oxygen therapy.

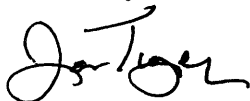
We consider mobility of the user to be perhaps the greatest therapy beyond provision of the oxygen itself. Now, just as we come within reach of our goals, CMS is pushing us back down the hill with competitive bidding that is poorly structured and does little to protect the beneficiary/oxygen user.

We applaud your efforts, and are encouraging our members to contact their House members to sign on as co-sponsors to this important legislation.

We recognize the genuine need for a "pay-for" in today's fiscal climate, and feel it essential that the "pay-for" does not further reduce the payments for oxygen. Our Executive Director, Phil Porte, has had years of experience working the halls of Congress and conference rooms of CMS on oxygen issues, and would be willing to work with you and your staff to help craft an approach that leads to a repeal of competitive bidding.

If you have any questions regarding NHOPA or this signal of support, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Jon Tiger". The signature is fluid and cursive, with the first name "Jon" and last name "Tiger" clearly distinguishable.

Jon Tiger
President, NHOPA