

Congress of the United States
Washington, DC 20515

April 10, 2020

The Honorable Alex M. Azar II
Secretary
Department of Health and Human Services
200 Independence Avenue, SW
Washington, DC 20201

The Honorable Seema Verma, M.P.H.
Administrator
Centers for Medicare & Medicaid Services
7500 Security Boulevard
Baltimore, MD 21244

Dear Secretary Azar and Administrator Verma:

The ongoing COVID-19 pandemic has created, and continues to create, substantial barriers to medically necessary treatment and care for many Americans, with a disproportionately harmful impact on at-risk populations. We appreciate your efforts to address access issues on a number of fronts and engage with our offices as you work to develop your most recent regulatory actions, which take important steps towards meeting some of the challenges for vulnerable patients that we have raised. As we seek additional options for protecting the lives of those most negatively affected by the pandemic, we are writing to encourage you to continue engaging with our offices and relevant stakeholders to build upon these productive steps through effective implementation, along with additional policy levers, as needed, in order to ensure that Medicare beneficiaries can access physician-administered Part B-covered infused and injectable medicines in the home setting during the COVID-19 public health emergency.

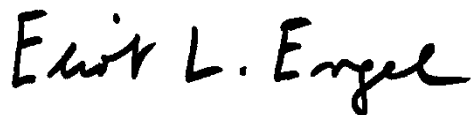
As the CDC and researchers across the world have noted, COVID-19 presents the most severe health risks to older individuals, as well as to those with underlying conditions, making the Medicare-covered population especially vulnerable to this dangerous disease. Unfortunately, Medicare beneficiaries in need of medical care or treatment for issues unrelated to the pandemic too often face a grueling decision, whereby they must choose between forgoing the services and medications they need by staying home or, alternatively, seeking care in a hospital setting or physician's office. Many of these providers will be unavailable for patients not presenting with COVID-19-related illness, if not closed altogether, and even providers still providing other services may expose beneficiaries to a heightened risk of infection, due to the growing prevalence of COVID-19 patients at such facilities.

In the interim final rule with comment period (IFC) that CMS issued earlier this week, you took a number of steps that will help to protect Medicare beneficiaries from unnecessary risks and to ensure the continuity of care during these challenging times. That said, we recognize that unforeseen hurdles will likely emerge and that some patients will continue to experience severe access challenges. We ask that, as you engage with patient advocates, providers, and other stakeholders, you seek out opportunities to further close remaining gaps and, as much as possible, pursue solutions that provide for continuity and consistency in care. These solutions must ensure beneficiary access to Part B drugs, provide appropriate payment for these drugs, and sufficiently reimburse for administration services rendered when provided in the home setting.

Given the large share of infused and injectable medicines that treat serious and life-threatening conditions, often with few or no viable or accessible treatment alternative, many patients cannot afford to go without these therapies; access barriers will result in medication non-adherence, triggering deteriorating health outcomes and dire consequences for some of our most vulnerable Americans.

As reports of current and impending practice closures, capacity shortages, and infections contracted at healthcare facilities continue to circulate, it is vital that we act now to ensure that all Americans, particularly those at highest risk of severe illness from COVID-19, can receive the care and medications that they need in the safest possible setting. For a growing number of beneficiaries, that setting is the home.

Sincerely,



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