



April 2, 2020

The Honorable Nancy Pelosi  
Speaker  
United States House of Representatives  
Washington, DC 20515

The Honorable Mitch McConnell  
Majority Leader  
United States Senate  
Washington, DC 20510

The Honorable Kevin McCarthy  
Minority Leader  
United States House of Representatives  
Washington, DC 20515

The Honorable Charles Schumer  
Minority Leader  
United States Senate  
Washington, DC 20510

Dear Speaker Pelosi, Leader McConnell, Leader McCarthy, and Leader Schumer:

On behalf of the undersigned organizations, we write to express our appreciation for the swift actions already taken by Congress and the Administration to address the COVID-19 pandemic. As you consider additional action in response to this public health emergency, we urge you to include a provision to remove non-invasive ventilators (NIV) from the competitive program for five years in order to protect patient access to these life-saving devices as currently outlined in H.R. 4945, the SMART Act.

Ventilators are life-sustaining and supporting devices that allow highly vulnerable and medically complex patients with devastating neuromuscular disease such as Amyotrophic Lateral Sclerosis or ALS, or seriously compromised respiratory conditions such as COPD, and other paralyzing conditions such as spinal cord injury to remain in their homes, which reduces health care costs and dramatically improves the quality of life of patients. As we have seen throughout this public health emergency, ventilators are critical to patients with COVID-19 and shortages in hospitals throughout the country are causing a growing crisis as our health care system is overrun with demand for these ventilators. Congress and the Administration have recognized this shortage as well, by including ventilators in the national stockpile for future pandemics and by working with industry to produce more ventilators.

Medicare data have shown that competitive bidding reduces patient access, clearly illustrated by the virtual elimination of liquid oxygen from the marketplace as competitive bidding took hold. If access to home ventilation is constricted by competitive bidding, Medicare beneficiaries with respiratory disorders will experience dramatic increases in emergency room visits, more frequent and longer hospital admissions to hospitals, and greater use of long-term care facilities and skilled nursing facilities, resulting in significantly higher costs and a negative impact on patient care and quality of life.

While the next round of the competitive bidding program, the first to include non-invasive mechanical ventilation, will not take effect until January 1, 2021, we are concerned that responses to the nationwide demand for ventilators could deplete or dramatically reduce their inventory of ventilators and supplies. Since competitive bids are expected to be finalized in June, those suppliers who are not chosen to participate may exit the market and further reduce access to ventilators.

Until we have an evidence-based treatment and vaccine for COVID-19, we cannot be sure of when the spread of the virus will dissipate. Therefore, it is critical that NIVs be removed from competitive bidding for 2021 in order to avoid any further disruption in the supply chain and be prepared for an increased demand for NIV in the home setting.

We appreciate your consideration of our request.

Sincerely,

Alpfa-1 Foundation  
ALS Association  
American Association for Respiratory Care  
American Lung Association  
American Thoracic Society  
CHEST/American College of Physicians  
COPD Foundation  
CURE SMA  
Dorney-Koppel Foundation  
Les Turner ALS Foundation  
Muscular Dystrophy Association  
National Association for Medical Direction of Respiratory Care  
National Multiple Sclerosis Society  
Pulmonary Fibrosis Foundation  
Respiratory Health Association  
U.S. COPD Coalition  
United Spinal Association