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October 27, 2010

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The Honorable Kathleen Sebelius
Secretary, Department of Health and Human Services
Hubert H. Humphrey Building
200 Independence Avenue, S.W.
Department of Health and Human Services
Washington, D.C. 20201

Donald Berwick, M.D.
Administrator, Centers for Medicare and Medicaid Services
Hubert H. Humphrey Building
200 Independence Avenue, S.W.
Department of Health and Human Services
Washington, D.C. 20201

Dear Secretary Sebelius and Administrator Berwick,

I am writing today regarding implementation of the competitive bidding program for durable medical equipment, prosthetics, orthotics and supplies (DMEPOS).

The DMEPOS competitive bidding program was originally authorized in the Medicare Modernization Act of 2003. Since then, there have been numerous concerns about the bidding and implementation process. For example, during the Round One bidding process in 2008, a number of "winning" providers were determined to be under qualified, resulting in Congress delaying the implementation of the program and requiring a re-bid.

I understand you have received information from a group of 165 experts in theory and practice of auctions highlighting their concerns about the program. I also understand that inquires about whether or not CMS is considering changes to the program have been made, but no information has been provided.

Thank you for your attention to this matter. I look forward to learning more about your position on this issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Pat".

Patrick J. Tiberi
Representative to Congress

