

**Before the
Centers for Medicare and Medicaid Services**

**THE CENTRALITY OF CHOICE AND SERVICE IN PROVISION OF DME:
Evaluating Competitive Bidding Requires Examining Beneficiary Satisfaction
with Freedom of Choice and Supplier Service**

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Filed jointly by
The Center for Regulatory Effectiveness
&
Medicare Beneficiaries

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TABLE OF CONTENTS

The Competitive Bidding Interactive Public Docket..... p. 1

Issues Raised by Beneficiaries..... p. 2

Ability to Keep their Supplier of Choice: A Basic Beneficiary Demand. p. 5

Quality of Supplier Service: A Crucial Component of Beneficiary Satisfaction...... p. 12

 Comments on Supplier Service – Oxygen..... p. 12

 Comments on Supplier Service – Other DME..... p. 20

Diabetic Supplies: Learn the Impact Before Expanding the Program. p. 25

Conclusions. p. 26

Recommendations. p. 27

Summary of Recommendations..... p. 30

**THE CENTRALITY OF CHOICE AND SERVICE IN PROVISION OF DME:
Evaluating Competitive Bidding Requires Examining Beneficiary Satisfaction
with Freedom of Choice and Supplier Service**

The Center for Regulatory Effectiveness (“CRE”) appreciates this opportunity to provide comments on behalf of ourselves and Medicare beneficiaries on CMS’ proposed Evaluation of the Medicare National Competitive Bidding Program for DME; CMS–10197.¹ These comments are informed by:

1. Our extensive experience with the Paperwork Reduction Act (“PRA”)² and other “good government” laws including President Obama’s Open Government Directive;³ and
2. Comments received from Medicare beneficiaries through our Competitive Bidding Interactive Public Docket (“IPD”) and toll-free Beneficiary Hotline.

The Competitive Bidding Interactive Public Docket

CRE established the Competitive Bidding IPD to allow stakeholders to provide their unfiltered views on the competitive bidding program for public review and comment. The IPD was developed to be as easy to use as possible, it does not require registration or disclosure of personal information, and allows the uploading of supporting materials. The IPD may be found at <http://www.thecre.com/blog/>.

In recognition of the fact that many older Americans do not have computer access or lack internet fluency, CRE established a toll-free 800 hotline for Medicare beneficiaries, 1-800-613-7678. The number was publicized through print media provided to beneficiaries across the country. To date, CRE has published the transcripts of well over one hundred calls, along with the unedited audio recordings, from the Beneficiary Hotline on the IPD’s Discussion Forum found at <http://www.thecre.com/Forum/>.

CRE has learned a great deal from listening to the voices of beneficiaries on competitive bidding issues and the views expressed by the beneficiaries form the basis of these comments. Excerpts from the Beneficiary Hotline transcripts are included as an integral component of this document, thus empowering these beneficiaries to participate in an often overlooked, crucial administrative process. These comments, therefore, are being filed jointly by CRE and Medicare beneficiaries.

- ▶ **The beneficiary Hotline calls were essential for identifying a critical failure in the ICR: beneficiaries are not being asked about whether they were forced to change suppliers because of competitive bidding and, if so, was their physical or mental health impacted by the change.**

¹ 74 Fed. Reg. 67227, Friday, December 18, 2009.

² <http://www.thecre.com/ombpapers/PaperWorkReductionAct.htm>.

³ http://www.thecre.com/quality/2009/20091213_regweek.html.

- Simply put, unless CMS asks beneficiaries how they were affected by the change to competitive bidding, the agency will not know nor be able to report to Congress on the core issue of the study.
 - As one Ohio resident explained “They [the government] don’t know anything about the actual impact that this is gonna have on so many people...”⁴

The purpose of these comments is to make sure that the government hears the voices of Medicare beneficiaries and corrects this ICR so that CMS can learn and report to Congress on the actual impact of the DME competitive bidding program on older Americans.

CMS is obligated by the PRA (5 CFR § 1320.5(a)(1)(iii)(F)) to respond to the comments from the Medicare beneficiaries as well as to CRE’s comments and recommendations.

The outgoing message on the Hotline informed beneficiaries that “audio and text messages may be made public and forwarded, with recommendations, to CMS.” These joint comments are partial fulfilment of CRE’s commitment to make beneficiaries’ voices heard by Medicare.

CRE notes that CMS acceptance of comments from beneficiaries obtained through the Hotline and IPD is in accordance with their PRA duty under 5 CFR § 1320.8(d)(1) to publish and Federal Register notice “and otherwise consult with members of the public...concerning each proposed collection of information...”

Although CRE is not providing any personally identifying information about participating beneficiaries in this public document, we will provide any additional needed detail in our discussions with CMS officials on this Information Collection Request (ICR) held pursuant to the “and otherwise consult with” provision of 5 CFR § 1320.8(d)(1).

Issues Raised by Beneficiaries

Beneficiaries have raised several issues which need to be studied and discussed as part of the Report to Congress on the competitive bidding program’s “savings, reductions in cost-sharing, access to and quality of items and services, and satisfaction of individuals.” The most frequently mentioned competitive bidding issues were:

1. Concern that beneficiaries may be forced to give up their supplier of choice; and
2. Concern that the quality of services received from equipment suppliers will diminish under competitive bidding.
 - As one beneficiary from Wisconsin explained, “Anyone on oxygen knows how scary it can be when your supplier is not reliable cause without him you cannot breath.”

⁴ <http://www.thecre.com/Forum/?p=4547>

Calls were also received from beneficiaries express concern over access to their provider of choice for diabetic supplies – a category of DME not included in the survey questionnaires. CMS’ failure to ask beneficiaries about diabetic supplies is particularly troublesome, and in need of remedy, since the agency is: 1) preparing for a possible fast-track approach to a national competition for mail-order diabetic suppliers;⁵ and 2) has expressed significant interest in employing “competitive bidding for diabetic supplies in both the mail order and traditional retail markets....”⁶

As discussed below, the agency needs to study and report to Congress on the impact of the Round 1 Rebid for diabetic supplies on beneficiaries before expanding competitive bidding for diabetic supplies through a national mail order contract or extending competitive bidding to traditional, in-pharmacy retail markets.

The issue of the ability of beneficiaries to maintain their supplier of choice and the issue of supplier service quality also needs to be addressed after the Report as part of the agency’s continuing work “to evaluate the impact of the program on beneficiaries, on Medicare costs, and on changes in the Medicare DMEPOS market.”⁷

Unless CMS asks specifically about the impact of the competitive bidding program on beneficiaries, they will not learn of the impact and will not be able to inform Congress of the impact as required by law.

The supplier-related questions in “Section E” (Your Supplier) and “Section F” (Recent Experiences) of the proposed oxygen supplier survey do not ask the fundamental questions of how the current supplier compares with the previous supplier, if there were a change, and whether changing suppliers was stressful/harmful to the beneficiaries – key issues that were raised by beneficiaries in their Hotline comments. Moreover, **Question F6a of the Beneficiary Oxygen Survey (“Why did you change your oxygen supplier?”) does not even include implementation of the competitive bidding program as a reason why a beneficiary may have changed suppliers.**

Option #2 to Question F6a, “Supplier no longer accepted Medicare” is deeply misleading as it implies that not accepting Medicare was the supplier’s choice rather than CMS’ discretionary policy decision to refuse to allow many suppliers to continue to serve Medicare beneficiaries even if they were willing to accept the competitively-determined Single Payment Amount. Omitting from the survey the possibility that beneficiaries were forced to change suppliers because of the competitive bidding program demonstrates that the survey, in its current form, is unacceptable as it fails to adequately respond to Congressional mandate and to the PRA’s requirements to maximize utility of information obtained and to strengthen federal decision-making. In short, the survey obfuscates the impact on beneficiaries of CMS’ discretionary decision to eliminate many otherwise qualified suppliers from Medicare.

⁵<http://www.cms.hhs.gov/FFSProvPartProg/EmailArchive/itemdetail.asp?filterType=none&filterByDID=0&sortByDID=1&sortOrder=descending&itemID=CMS1229223>

⁶ 74 Fed. Reg. 2878, Friday, January 16, 2009.

⁷ 74 Fed. Reg. 67228, Friday, December 18, 2009.

CMS' failure to directly address the focal point of the study – the competitive bidding program – is also found in the Study Fact Sheets to be sent out with the surveys. These “fact” sheets do not state that the purpose of the study is to determine the impacts of the competitive bidding program.

The surveys of; Medicare Patients Who Use a Power Wheelchair, Medicare Patients Who Use A Walker, Medicare Patients Who Use a Hospital Bed, and Medicare Patients Who Use a Continuous Positive Airway Pressure (CPAP) Machine, also all fail to directly ask beneficiaries whether they were forced to change suppliers because of the competitive bidding program and, if so, what was the impact of that change, including any stress/anxiety associated with the need to find a new supplier.

It is also important to note that the questions regarding suppliers and experience come near the end of lengthy, complex surveys that could best be described as “daunting” for the elderly and ill Americans for whom the survey is intended. Questions regarding impact of the competitive bidding program need to be at the beginning, not the end, of the surveys.

The surveys and fact sheets need to be revised as explained in the Recommendations section of these comments found on page 27.

It should be noted that many beneficiaries who called the Hotline are vehemently opposed to competitive bidding. CRE recognizes that the question of whether to continue competitive bidding is not within the scope of the Congressionally-mandated study. CRE notes, however, that CMS is explicitly required to evaluate the effects of competitive bidding on beneficiary satisfaction and, thus, the beneficiary comments are directly relevant to the study and to this ICR – at a minimum CRE needs to determine if the concerns expressed prospectively by beneficiaries are, or are not, realized once the program takes effect. Furthermore, the agency needs to examine what the beneficiaries think about the program's impact – the patient's perception – as distinct from CMS' view of how the beneficiaries are faring under the program.

These comments organize beneficiary calls into several specific issues which need to be evaluated in the Report. For each issue, the comments include:

- ▶ Excerpts from calls received on the Beneficiary Hotline and IPD postings discussing the issue; and
- ▶ Links to the Hotline call transcript and complete audio recording of the call on the IPD – the linked materials are integral components of these comments.

Following the comments from Medicare beneficiaries, CRE provides specific ICR recommendations based on the comments received. A summary of the recommendations is found on p. 30.

We recognize the extensive work that CMS has undertaken to develop the ICR and supporting documents. We particularly appreciate that the agency recognized some of the deficiencies in the original ICR for this study and made changes to overcome those problems that were identified.

We look forward to the agency making the additional ICR changes discussed in these comments, prior to its submission to OMB, in order to meet the Paperwork Reduction Act's purposes of:

- ▶ Ensuring “the greatest possible public benefit from and maximize the utility of information created, collected, maintained, used, shared and disseminated by or for the Federal Government;” and
- ▶ Improving “the quality and use of Federal information to strengthen decisionmaking, accountability, and openness in Government and society.”

Ability to Keep their Supplier of Choice: A Basic Beneficiary Demand

Being able to choose the equipment provider they want, including the right to maintain their current supplier, is a demand made repeatedly by beneficiaries from across the country. Beneficiaries linked their ability to use their supplier of choice to service quality, convenience, health, and personal dignity.

The proposed questionnaires fail to capture the most fundamental issues that beneficiaries have raised regarding the change to competitive bidding, concern/fear that they may be forced to change DME suppliers and the impact any such change would have on their well-being. In short, CMS must analyze three issues as part of their Report to Congress:

1. **Were beneficiaries required to change suppliers as a result of competitive bidding?**
2. **Did beneficiaries think that a change in suppliers affected their physical and/or mental health?**
3. **Are beneficiaries more pleased, less pleased, or neutral with their new supplier?**

Unless CMS examines the above three issues, they will not meet their statutory mandate for Report to Congress nor comply with the PRA. The extensive list of questions in the surveys do not make up for the instruments’ basic deficiency, they doesn’t ask Medicare beneficiaries about how they were affected by the change to competitive bidding. Without this information, Congress cannot make an informed decision about the future of the program and the entire study exercise will be a waste of taxpayer money and beneficiary time.

The following comments from Medicare beneficiaries discuss their views and concerns regarding the issue of being able to use their DME supplier of choice.

- “I’m a Vietnam veteran. I fought for freedom. Why am I losing my freedom to choose where I want my medical supplies and how to use it? I need my supplier at Medox in my hometown because just close for me and I am in a wheelchair. Please, help me and help all the other people and veterans. Thank you.” (Elyria, OH)⁸

⁸ <http://www.thecre.com/Forum/?p=2197>

- “It seems that everything we have and have had for a long time and is a wonderful working plan is now being dumped somewhere. Anyway. I don’t want to change my plan that I have for monitoring me in my home and I have been with this company many years now and I’m an old lady. I’m 89 years old. I don’t like all these changes. Please leave things alone.” (Louisville, KY)⁹
- “I’m calling in regards to Congress’ proposed bill of competitive bidding for Medicare beneficiaries and I would definitely be against that simply because you end up with a monopoly or a congressman’s buddy gets the bid and you end up with lousy care because once you become a monopoly you could care less what happens to the consumer because you answer to nobody. Just like AIG and the banks and everybody else and I would definitely be against that and that would be very bad for Medicare for me as a Medicare recipient. Thank you.” (Sodus, MI)¹⁰
- “I just got a notice today from our, the carrier that furnishes oxygen to my wife, and that company is called Medox. They’ve been very, very good to us and I just hate to think that this competitive bidding thing is going to make them go out of business if you will. I’m just so unhappy with this business, this thing that the government is fooling around, people in Congress is fooling around with. They don’t know anything about the actual impact that this is gonna have on so many people and I don’t know what else I can say about it. I’m just unhappy and if I thought that there was any particular congressman or senator that was smart enough to listen, I would talk directly to them but, whatever you can do to stop this nonsense please continue. Thank you.” (Vermilion, OH)¹¹
- I have been diagnosed with cancer. I’m also a diabetic. I have hypertension. I am 68 years old and I have neuropathy in my hands and my feet. I have been blessed with getting a lift chair that I can keep my feet elevated and I’ve also been blessed to have hand rails placed in my home so I can go up and down the stairs without any complications of falling. They have placed in my house the Life Alert where I wear the pendant around my neck and if I do fall, all I have to do is press the button. Boardman Medical has been very helpful even in the undergarments that I receive. If I am unable to select my own medical provider and if it’s not as courteous as Boardman Medical I would be devastated. I do hope this short little brief testament will help in getting this to the proper person that we might continue to have our freedom in selection our own medical provider. Thank you. Bye.” (Youngstown, OH)¹²

⁹ <http://www.thecre.com/Forum/?p=2588>

¹⁰ <http://www.thecre.com/Forum/?p=2583>

¹¹ <http://www.thecre.com/Forum/?p=4547> (Emphasis added)

¹² <http://www.thecre.com/Forum/?p=2587> (Emphasis added)

- “I’m a licensed social worker and I do discharge planning at a nursing home... in Piketown, Ohio. I’m concerned about the competitive bidding process, that law that’s being considered or actually passed, I’m not sure. I’m very strongly advocate of consumer choice and patient directive planning. Right now, I use 2 or 3 different DME companies to provide choices for our residence who are being discharged home. I really think that it’s infringement on the freedom of choice and that’s their liberty as US citizens to not have that choice anymore. I understand the cost saving part of it, too, but I really am opposed to this law and I just want to let my feelings be known. Okay. ... Thank you.” (Piketon, OH)¹³
- “Yes I’m very upset over this letter I got from Personal Care talking about Congress had passed a new law saying that we might have to go to wherever they decide we go for serving Medicare beneficiaries. This is wrong. This is free America and I’ve lived in a free country for 77 years. I am now disabled and need the benefits that we receive from every place we get them ’cause even to the point of care to get me around. I have very bad health problems, osteoporosis and everything else, diabetic. I have very severe lung problem and I don’t intend to take this laying down about it. If they can’t do something about it we will do something about it election day. We are all banding together and vote these people out of there. They seem to think they can run this country the way the want to. Thank you kindly. Bye.” (Decatur, IL)¹⁴
- “I am calling to protest the new law passed by Congress to force to use a different home medical equipment supplier, instead of one chosen by the government. I have very good service from my home medical supplier and I am very happy with that, and I would be very unhappy if I have to let the government decide who I may or may not choose to service my medical equipment at home. I have an oxygen tank and a CPAP machine, and I am very happy with the care that I receive from these people, and I hope you can do something about it. Thank you very much.” (Siler City, NC)¹⁵
- “My mother is 97 years old she’s on oxygen and a CPAP and found out information and even for a long time that the company that she uses may not be contracted with because of the Government, some kind of regulation and this company is absolutely amazing. None of the other companies do for her what this company Antelope Valley Pulmonary does. So please give it to the Government officials, we are not happy that they, what competitive bidding means. We shouldn’t have that happen because this company gives her more things for her oxygen and everything that any of the other companies. It’s amazing, so please get that information to the right people. Thank you.” (Lancaster, CA)¹⁶

¹³ <http://www.thecre.com/Forum/?p=4588> (Emphasis added)

¹⁴ <http://www.thecre.com/Forum/?p=2831>

¹⁵ <http://www.thecre.com/Forum/?p=2984>

¹⁶ <http://www.thecre.com/Forum/?p=3623>

- “This is Mary...calling from Wisconsin. I have oxygen and I’m not very happy about the new law that Congress passed about competitive bidding. I am been with the same company for going on 4 years and I’m very happy with them. I’m familiar with all the people that work there. Very happy. It would be terrible if I had to switch. Be really hard. So, I hope something happen on this. Thank you. Goodbye.” (North Prairie, WI)¹⁷
- “Yes, I enjoy getting all my oxygen things from Liberty and I don’t think anyone should have the right to tell me where I can get it from. I think that should be my choice. I’ve been a taxpayer for my whole life but now that I need help I would like to have my own expression of where I do get it from. I don’t think anyone should have the right to do that. Please let us pick our own place and people we would like to get it from. Thank you.” (Menomonee Falls, WI)¹⁸
- “I am against competitive bidding. I feel that this makes a monopoly to certain companies and the smaller companies are left out in the cold, and I like the oxygen company I have right now and I do not want to be switched. So I’m totally against competitive bidding. It’s not fair to me, because it takes away my freedom of choice, and I don’t believe that anybody should have a monopoly. Please pass this on to whomever takes care of this. Thank you.” (Waukesha, WI)¹⁹
- “I’m calling about the competitive bidding and it’s not going to serve me very well for us to be changed because we lose our freedom to choose our own medical equipment providers and I’m satisfied with the service that I get now. So how will this new change help us? How will it help us? I would like to know that. And I’m not happy with the change, with the law that has been changed. and its affect on the physical and mental health. I don’t need anything that is going to mess with my mental health, that is for sure. I just want to let you know I am unhappy with the change.” (Dallas, TX)²⁰
- “I’m calling on behalf of my mother.... She receives home oxygen from Cornerstone Medical in Ohio. She has been receiving her equipment from them for several years, has been totally happy and we have received a letter that she may not be able to because of your competitive bidding law. This is very upsetting to someone in their eighties who has been given good service by the company that she’s with. That’s just to let you know.” (Mount Gilead, OH)²¹

¹⁷ <http://www.thecre.com/Forum/?p=4192> (Emphasis added)

¹⁸ <http://www.thecre.com/Forum/?p=4202>

¹⁹ <http://www.thecre.com/Forum/?p=4330>

²⁰ <http://www.thecre.com/Forum/?p=4339>

²¹ <http://www.thecre.com/Forum/?p=4422>

- “I have oxygen in my home. And I don’t want to change because it’s hard for me to get to know how to work everything because I can’t walk a lot or I get out of breath. And when I do call the service I’ve got, they’re here right away. And that I really don’t want to change and I don’t know why you have to change. When I’ve got the service that I’ve got that takes care of me so good. Now I have to do this call when they’re right here. Please do something about this. Thank you.” (Cincinnati, OH)²²
- “I called before. . . . I get my oxygen from Advance Home care in Lawrence, Kansas. I really would hate to see, I would hate to leave them, as my contact for oxygen. I don’t know really, if there’s something else I need to do to help keep it. I know other people that’s on oxygen and it’s rough, it’s really rough. . . . It would make it really hard, not only for myself, but for a lot of others.” (Lawrence, KS)²³
- “I’m calling about this competitive bidding and I really don’t understand why they are doing this. They’re going to eliminate the smaller oxygen companies and this country was founded on small businesses, not just your big giants, like you take General Motors and Chrysler who have to have bail outs. You don’t see the small owners coming with their hands out and I’m happy with my oxygen provider and I really don’t think they’re being fair to us elderly people and ill.” (Waukesha, WI)²⁴
- “Mid Carolina Home Care Specialist is bringing me my oxygen and I don’t want them to be changed. I want them as my provider. They’re very nice, they courteous, they come when I needed something and this is very upsetting. I’d like to stay with them. I don’t know why they starting to go against seniors, you know, we did work all our lives and we are the backbone of America you know. It’s ridiculous. What do you want us to just die? We have family, they’ll love us and we pay for what we getting. So, please, leave my provider alone. I like them very much, I enjoy them. They come, they talk to me and they give me my equipment right on time. I have to be on oxygen full time and they’re very, very reliable. Thank you.” (Wake Forest, NC)²⁵
- “Yes, I am very well satisfied with the medical personnel that I got my breathing machines and equipment through and I prefer to stay with them instead of going to a smaller unpreferred company. I’d like to stay with the company I’m with which is James Medical Equipment in Danville, Kentucky and I’m very well pleased with them. Thank you and have a good day.” (Hustonville, KY)²⁶

²² <http://www.thecre.com/Forum/?p=4578>

²³ <http://www.thecre.com/Forum/?p=4467>

²⁴ <http://www.thecre.com/Forum/?p=4221>

²⁵ <http://www.thecre.com/Forum/?p=4471>

²⁶ <http://www.thecre.com/Forum/?p=4487>

- “I live in Portsmouth, Ohio and I really am dead set against this bill. Right now I have a company that I enjoy, they’ve always been there for me midnight, 2:00 in the morning, if the power goes out. They’re bringing me down extra oxygen when I need it and I’ve grown to depend on. I’ve had them for the last 12 years and I don’t want somebody coming in and telling me that I have to use somebody from another town or another area or even someone else in this town because I feel this is my right and my choice and it’s one of the freedoms I still enjoy and have. So please, don’t take that away from us. Thank you.” (Portsmouth, OH)²⁷
- “I’m very unhappy with the new law that and its effects on physical and mental health, the one with competitive bidding. I think that I ought to be able to choose the home health service, the Medicare place that I want to. Thank you.” (Sallisaw, OK)²⁸
- “I’d like to keep the medical supply place that I have. Because I’ve been with them for years and I know how they operate and I just don’t want to change.” (West Union, OH)²⁹
- “We have been using Professional Medical to supply oxygen for my husband. I have discovered that there is a new law which is going to make you use some of the cheapest bid, bidder for such. I do not agree with this. I think, that I would prefer to use a small business, that’s local, and that I would have be better be able to communicate with them, communicate my needs and such. I do not agree with this at all and I hope that something can be done to change it. Thank you.” (New Braunfels, TX)³⁰
- “I am very upset that there’s a possibility for me to get equipment that I need for the rest of my life that I may have to go out of our town or maybe state to receive this equipment. It’s very unhealthy for older people to have to go further out of their city to get their medical equipment that they possibly will need and I live in Cabot, Arkansas. We have a equipment company there and it is very convenient and there’s quite a few people around this area that would use them. Thank you.” (Cabot, AR)³¹
- “I just wanted to let you know how unhappy I am with this new law that may force my medical place to go out of business. I have used Hi-Tech for many years now. Not only for the oxygen - I’m on oxygen 24 hours a day - but also a nebulizer. I have been very satisfied with their providing my care, and I’m very unhappy to know that they may be forced out of

²⁷ <http://www.thecre.com/Forum/?p=4525>

²⁸ <http://www.thecre.com/Forum/?p=4533>

²⁹ <http://www.thecre.com/Forum/?p=4540>

³⁰ <http://www.thecre.com/Forum/?p=4596>

³¹ <http://www.thecre.com/Forum/?p=4611>

- business. This is not right, I don't know who dreamed it up but whoever it is ought to be hung from the highest tree. Thank you very much." (Atlanta, GA)³²
- "Yes, I deal with Monroe Wheelchair in Rochester, New York, and I would like to keep it that way, so competitive bidding, I don't like that. I don't want to lose my freedom of choosing my home medical equipment." (Rochester, NY)³³
 - "Hi, I've got a brochure here that talks about the competitive bidding, this new law. I don't like it at all because it take away our freedom and we have a [???] my husband and I both. We were not satisfied with one company and so we switched to another. And we like MedSource. It's a very good company. They're very diligent about our calls, and I don't like this whole business. It just seems so wrong that the government has to be into everything. Small business, why? Our country is not doing well. It shouldn't be taking away the freedoms that we have to choose and make it just our government. The government is going to choose who we get our home medical equipment from? Who the suppliers would be? I don't think that's very good at all, and I wish something would be done about it. Why was this law ever passed? I'd sure like to know who is behind this and why. It's not right. I just wanted to make my voice heard. ... Thank you for listening." (Kearns, UT)³⁴
 - "I do not approve of the government taking away my right to choose where I get my supplies. I prefer to do my own shopping for the best price for my equipment, and for the best service. You are putting the small companies out of business. We are suppose to be supporting small business. My suppliers are providing me with the best service I can ask for. Please don't take it away. Thank you." (Cameron, TX)³⁵
 - "Yes. I receive a nebulizer to keep me breathing freely with the condition that I have. And, I'm not happy with the new law and its effect on my physical and mental health. And, I feel like that I'd be losing most of my freedom to choose my medical equipment at home and I feel like I'm just being used and I'm going be given what you want me to have and not necessarily what I actually need. And, I need my medication, like it is, I need my nebulizer the way it is. And, I don't want anything changed. If I have to go into oxygen, I want to be able to have that from the place that I care to receive it from. If I want to change my provider then I want to be able to do that and I don't want the government telling me what to do about my nebulizer, whatever I need. I was just calling to tell you that and I hope that you will consider us senior citizens. Thank you." (Norcross, GA)³⁶

³² <http://www.thecre.com/Forum/?p=4684>

³³ <http://www.thecre.com/Forum/?p=4691>

³⁴ <http://www.thecre.com/Forum/?p=4696>

³⁵ <http://www.thecre.com/Forum/?p=4705>

³⁶ <http://www.thecre.com/Forum/?p=4722>

Quality of Supplier Service: A Crucial Component of Beneficiary Satisfaction

Medicare recipients have again and again explained to CRE that quality of services provided by DME suppliers is an essential component of equipment provision and crucial to beneficiary satisfaction.

The beneficiaries emphasized in their Hotline comments how important the service component of DME supply was to their health and quality of life. Accordingly, the beneficiary surveys need to examine any changes in supplier quality of service as a part of CMS' work in understanding and reporting on the impact of the competitive bidding program.

Many of the Hotline comments received on supplier service quality were specific to oxygen, although CRE also received comments discussing the importance of service quality for other types of DME. Since CMS has different surveys for different types of DME, this document organizes the comments received from beneficiaries on service quality into comments related oxygen and comments on other categories of DME.

It should be noted that many of the comments received were lengthy and detailed as beneficiaries explained why service quality was so important to them. As is the case for all the Hotline calls, the complete audio recordings are available through the footnoted links. We urge CMS to listen to these calls in addition to reading transcript excerpts so that they can hear the voices of Medicare beneficiaries explaining their concerns about how competitive bidding may impact them.

Comments on Supplier Service – Oxygen

- “I am utterly dismayed to find that my use of Oxygen One of Waukesha may be forcefully taken from me and I feel like I’m being dumped in a middle of a lake and I don’t know how to swim. Anyone on oxygen knows how scary it can be when your supplier is not reliable cause without him you cannot breath. It’s reassuring to know he sees you as a person and not just a customer. I’ve now been on oxygen for about 4 years and when I began I had regular visits from a respiratory therapist who helped me adjust and on a regular basis check my oxygen level plus taking me for a walk to check my level during activity. Your supplier helps establish what your need is and sets that on your equipment. They also give you many tips on your equipment and how to maintain and improve your physical condition. Any contact I had with this company has been like talking to a person I know. I can say many incidents when I had a problem and received immediate response even offering to come out on a Saturday night. I know any time I need help, I can call and get it. Any contact has been, like I was been being cared for by a family member. I’ve grown very disgusted with Congress because they seem little to do to stop or wasteful spending in areas that are generally well known.

The term competitive bidding, in general, is used when specific criteria are established so that everyone is bidding on the same thing In this instance the lowest bidder will no doubt

cut out the personal care that we have received and probably used cheaper and less effective equipment. It's the only way they can do it because everybody's offered the same re-payment of oxygen to Medicare. If this helps them to develop a better quality of life, and one of the things that's been done is developing ways for people on oxygen to travel like other people. Small businesses people work hard and long to develop will be wiped out and their personnel will be without jobs and you will create a monopoly, when has monopoly been concerned with the individuals who are now captive? I beg Congress to reconsider what I feel is a ridiculous idea. Thank you." (Milwaukee, WI)³⁷

- "To whom this may concern, which is probably somebody in the government, they've probably never made a buck in her life, except working for the government. We're just recipients, Medicare recipients of oxygen, for a situation where my wife's lungs are totally deteriorated. I spent 4 years in the service in the Korean War, and now the shift has taken place, it's worse, and it's unbelievable. You know as well as I do, if you go on a bid basis for a large area, you might save a couple bucks, but the outcome is gonna be horrible. The quality, the product is gonna be poor, the service, especially the service, which is highly required for this particular product. I've just been in the scene for a short period of time with my wife and oxygen. The company we have now is excellent, they do a beautiful job, and I realize it may cost a little more, we have more people involved in peddling something, but once you go off the bid, especially the government, everything goes downhill. I happen to know this because at one time, I dealt with the government. You folks can bang at us. Here, we finally in a position to get some assistance from the government on Medicare, and one of the vital items involved with lung disease is oxygen and home delivery, as if it's like another world. Most of the MBAs that [???] to the government, don't realize it, but the fact is this, when I hear and read that they're gonna start chiselling on something like oxygen for Medicare patients, it is highly disturbing. The country is changing, it's sad, but I'm absolutely against it...." (Pontiac, MI)³⁸
- "I was put on O2 a couple of years ago. The company I was with the first year never inspected my concentrator nor cleaned the external filter, all they did was bill me monthly. They never brought me new tubing, or anything smaller than an E-tank which was very difficult for me to use. but told me if I wanted a smaller tank I would have to get liquid, So I transferred to a company who delivers me oxygen weekly supplies cannulas and tubing when needed and is on call 24 hours a day. The first company I felt was defrauding Medicare. The second company Dallas Oxygen Service, gives me excellent service at a cheaper price and I get to breathe pure oxygen instead of recycled air.

They have given me my independence back. If you people regulate oxygen, you are going to kill many people, because the low bidding companies do nothing and charge Medicare and

³⁷ <http://www.thecre.com/Forum/?p=4278> (Emphasis added).

³⁸ <http://www.thecre.com/Forum/?p=2083> (Emphasis added)

us our copay. You need quality service for life giving medical equipment, regulate the things like unneeded scooters and electric chairs, things that many people never needed. I will need oxygen the rest of my life to survive, unserviced concentrators just cause exacerbations and hospital stays because they are dirty. I know you need to save money, but please don't save it at the cost of peoples lives, there are other ways to cut down besides picking on the elderly who paid into a program all their lives." (IPD posting)³⁹

- "yesterday i recieved a call from an elderly oxygen patient who is on high flow oxygen to his trach. his patient owned suction machine was not working properly and he called me for help. i was at his house in 15 minuets and quickly fixed the problem with no charge to him or medicare. he was my oxygen patient and asked for my help because he choose our company based on our reputation and proximity to him, in case he would need exactly the type of assistance that he needed yesterday. When this law goes into effect he may or may not have my company to service his oxygen, but it will be difficult to provide him rapid and free service under the reimbursement we would likely receive. without that free help he would have aspirated, called 911 and been transported to an ER then in all probability been admitted. What is lees costly??? It's not about the equipment delivered it's about taking care of those we provide it to." (IPD posting)⁴⁰
- "I have been on home oxygen for a couple years and the first year was a nightmare experience, they never brought me new canulas. They never came and serviced the concentrator and about 6 months ago I finally got connected to a good company that supplies me with liquid oxygen, a small tank that I can carry with me, so I can continue to live my life like a normal person and now I'm told that there' s been a new regulation passed that if they're not the lowest bidder, they will take us off of there and put us with where ever. I think you need to take people's lives into consideration a fact that we have to have oxygen in order to live and the fact to be as independent as possible, we need to be as mobile as possible. And if we don't have a good supply company, that supplies us with on-the-go oxygen as well as home oxygen, then we don't have that mobility and I'm strongly against what you doing with the Home Medical Equipment.... Oxygen is another situation and I don't think it should be rationed or auctioned off to the lowest bidder, I thank you, you should go for quality and not for quantity." (Plano, TX)⁴¹
- "Okay, I'm glad to have this opportunity to register my concerns about the creation of another federal bureaucracy to do bidding on something that we don't want bidding done. I am on oxygen, I have been for 4, 5 years now, and my local company, Boardman Medical Supply, has done everything right and does everything well and it's a local company, owned by local people and I really don't want to try to deal with people, who, you make a phone call

³⁹ <http://www.thecre.com/Forum/?p=1559#comment-146> (Emphasis added).

⁴⁰ <http://www.thecre.com/Forum/?p=1559#comment-142>

⁴¹ <http://www.thecre.com/Forum/?p=1944>

you never get an answer back. I'm very happy with local care of my oxygen equipment. It's home filled and they always take very good care of me and questions are immediate response even in the middle of the night, it's been a couple a times. So I prefer and really want to have my local company doing my business with my oxygen supply, which obviously is very dear to my heart, so we want to complain and register our concerns about bidding out something to some foreign, in a way, foreign alien oxygen supply company that is not locally close by, so we want whatever you're doing down there in DC, we want our local control here and local service here. So that's my point of view and I'm very concerned about the way things are going in Washington anyway. It's a Congress that I can't believe, I just can't believe it. The leadership, the Administration and you people in Congress are unbelievable any more, you're just unbelievable. I just can't believe it. I grew up and worked through the depression and I was happier, my folks were happier, when we didn't have anything, than what we are now with the kind of dishonesty and the kind of greed and the kind of self centeredness that goes on in Washington DC, it's just criminal. So there you got my thoughts, I hope they register with somebody down there. Thank you. Bye." (Canton, OH)⁴²

- "I am currently utilizing a concentrator for oxygen. I use oxygen 24 hours a day, 7 days a week because I have a rare lung disease know as PAH Pulmonary Arterial Hypertension. Without the use of this oxygen equipment I would not be able to survive on a daily basis. I understand that Government is trying to take over home medical equipment suppliers by requesting that they submit a bid which means I will be getting substandard equipment, substandard service and I am extremely angry about this. I've been paying into Medicare for a number of years. I do not want the level of my service to diminish or decrease and if the government has its way, it will probably not only decrease, but become non- existent. ... I would like to voice my opinion to anybody who will listen and I would like my vote counted against the government interference with this very important issue. Thank you very much." (Henderson, NV)⁴³
- "I have Greene Respiratory in Milford Ohio as my oxygen people and I don't want the government people messing with that. I am doing just fine with Greene's Respiratory, they have been very kind to me, very good to me. They gave me oxygen when I couldn't afford it, when I wasn't even on Medicare, or Medicaid or anything and I needed it and I couldn't afford it and these people have been super nice and I don't want these people's throats cut. Now I'm not happy at all about this and we are the ones, us seniors are the ones who has made this country what it is and we have put you all in office. Don't forget that you all can come out of office just as fast as you all went in. I'm not happy at all. ... I'm not a damn bit happy" (Bethel, OH)⁴⁴

⁴² <http://www.thecre.com/Forum/?p=2517> (Emphasis added)

⁴³ <http://www.thecre.com/Forum/?p=2899> (Emphasis added)

⁴⁴ <http://www.thecre.com/Forum/?p=3048>

- “I’m very disappointed in you people passing competitive bidding means for medicare beneficiaries. I have oxygen delivered to me. I’m on oxygen 24 hours a day. I had 2 other lower price companies serve me for quite a while. I’m very disappointed, could not get service, when I needed. I’m with Bayonet Point Oxygen Service right now and they are beautiful people, they’re there when I call them. On every trip, I need oxygen, I need my tanks filled. They’re right here Johnnie on the spot. I’m very disappointed in our government passing a bill, that’s rectifying what they’re doing. According to me what they’re trying to do, give medicare to Canada’s beneficiary hospitalization. We don’t need no government hospitalization around our country. It’s a free country and I appreciated that they abolish that law. Thank you.” (Holiday, FL)⁴⁵
- “I’m calling in response to the competitive bidding law that was passed by Congress. My mother is 96 years old and she has to have oxygen, at least in the evening, at night. And I think as a result of this new law, the company that she deals with is not going to be able to continue to service her perhaps. She will lose the fact that she has 24 hour on call service. The folks are professional respiratory therapists. They check on her equipment to make sure it’s working properly and I just don’t believe that we are going to have that kind of service. I just wanted to let you know that I do not approve of this new law for my mother who is 96 or myself who is 72 and will probably need these kinds of services in the future.” (Cincinnati, OH)⁴⁶
- “...I’m on Medicare and I’m also on liquid oxygen which is delivered here to my home company called [Gooles?] which is a local company and I had pamphlet, been told some information that when you’re on oxygen, you know, Medicare will only pay for so much or you’re limit what you can do. And I know a lot of people that are on oxygen where some of the companies will not provide full service for them. I’m lucky, mine does as a courtesy, anyways what they told me was a courtesy even though Medicare didn’t pay for all of it. ... In the past, I have completed my 6,000 of volunteer hours of Red Cross. I also committed a lot of voluntary hours to what we call the [??] Ministries which is Louisville which is gathers food or provide food and things for the homeless people... But my understanding is, this company is the only company that has the small machines and all these machines are very large in homes and they’re not portable or just take in with you and I would like to know what the limit is gonna be. If this going to effect hundreds of thousands of Americans will have to stay in their home, where they won’t be able to volunteer work or they won’t be able to do sports or even get a part time job if they wish. I’m very concerned about it. Would someone notify me. Give me a some results.” (Louisville, KY)⁴⁷

⁴⁵ <http://www.thecre.com/Forum/?p=3632> (Emphasis added)

⁴⁶ <http://www.thecre.com/Forum/?p=3638> (Emphasis added)

⁴⁷ <http://www.thecre.com/Forum/?p=3910> (Emphasis added)

- “I’ve been on Oxygen for several years now. When originally went on it my private insurance is paying for it and they require I go with a certain company. The company was horrible, it did not provide services. When my doctor ordered me to go on, the first time was at night when my doctor wanted me to go on the tanks during the day too, they never got around to me ’till like 3 or 4 months later, I still wasn’t getting any response from no one on changing and providing me with the tanks. At that time fortunately I went on Medicare so I was able to change. I tried one locally here. They provided me with a concentrator that was old, it smelled, it was noisy. I just wasn’t getting great service with them. Plus they told me they weren’t sure they were staying in the business. At that time I went asked around Columbus and I received excellent service since. When the electricity out, they would like 2:00 o’clock in the morning still out here delivering tanks, to make sure everybody has oxygen. You can’t put that into a bid, you know, it just doesn’t work. It’s about the service and the quality of the service and it’s so vital for the oxygen that, I don’t know how you are going to put that into a bid. The way it’s paid for now, they actually pay more for the concentrator than they do for the portable oxygen in the tanks and I’m sure that cost to the company is much more expensive for the portable oxygen tanks than it is for the concentrator in the long term. I don’t know what Medicare is thinking. There at least needs to be some new ways of figuring out how to pay for it. But certainly not, competitive bidding is not going to do it. It’s not going to tell you what quality they are, what they are going to actually produce the service that you need. It’s frightens me to death. Thank you.” (Lancaster, OH)⁴⁸
- “I’m really very disappointed that we will be changed, might be changes in the Medicare. I get home equipment and I really appreciate the 24 hour service calls that we get. I’ve several times had problems with my equipment and was able to call somebody and get help, and either had somebody come out or help me over the phone, and somebody to check the machines and stuff is very important, and people updating you and being able to pass the information, and there’s so many changes when you’re limited at home, and when you’re going out, the amount of oxygen that you can have, and you know gives you a good quality life and then to think that, you know, we’re going to be cheated by, you know, larger companies, you know it’s a very scary process, this is the way, I’m on oxygen 24 hours in a day, every day of my life. And you know this is what keeps me alive. So I’d appreciate it if we could continue to have the companies that we are most comfortable with now. Thank you very much.” (Beloit, WI)⁴⁹
- “I’m calling on behalf of my husband...who has to live on oxygen. The respiratory consultant here on Springs Street in Newton, New Jersey, informs my husband that because of a bidding that you had in Washington there, they will no longer be able to give him his oxygen. Now I wanna know why y’all passed it through already? What is the problem? I didn’t think we were gonna put the health insurance through, I didn’t think it went through.

⁴⁸ <http://www.thecre.com/Forum/?p=4185> (Emphasis added)

⁴⁹ <http://www.thecre.com/Forum/?p=4381>

Now, he's on Medicare. We can't afford to pay any more on this, and why are y'all switching? He's very happy with what he has. He's 85 years old. The government should not be doing this. Now I want y'all to stop it. Thank you." (Newton, NJ)⁵⁰

- "Hello. I'm calling, but you keep Crest Care and smaller businesses that attend personally to my Medicare needs as far as breathing machines and respiratory and CPAP machines, and even wheelchairs and whatever might come under different things and because even, you know, maybe supports or back things. I have a lot of pain, extreme pain every single day in my back, behind my hips, legs, my feet. But as far as the respiratory things and equipment supplies or any diabetic strips, needles, anything I need help with, I wouldn't know what to do without Crest Care helping me out personally with my CPAP machine and my oxygen. I had to turn it up today just to breath better, and they gave me a script from the doctor who called me and told me on the phone how to set it." (Harrisburg, PA)⁵¹
- "I am on oxygen 24/7. My supplier is always available if there were an emergency. I have been given the latest up to date concentrators as they become available and they use good equipment with equipment checks and all that sort of stuff. I don't know if this letter is to late to help.

Keep up the good work watching out for the little guys, patients & suppliers." (IPD Posting)⁵²

- "This competitive bidding, especially on oxygen, is totally wrong. This is something that we do not need to pass. Once you have someone that has to be on oxygen as a lifesaving measure and you have to go with the company that only wants to give you the service that only government would allow, that just gives them a total monopoly, they can treat you however they want, they cannot be there for the accident, they will not be there 7 days a week when you need them, they will tell you to go to a fire station on the weekends when you've run out of oxygen. This is no way to run a government, a business or anything. Talk to more people that are on oxygen or on any kind of these durable so-called equipment that everyone uses once they get older. The healthcare plan stinks, and we will not vote for anyone again that passes this. We've always been strong Democrats, and we will be Independents, whatever it takes to get this settled. Thank you very much." (Crescent City, FL)⁵³
- "I recently had this, get onto using oxygen in the house and also in transportation. And I just received a statement from my oxygen company, oxygen supplier today, stating that, it's gonna be put on competitive bidding, and I may or may not have the same company, or I may

⁵⁰ <http://www.thecre.com/Forum/?p=4305>

⁵¹ <http://www.thecre.com/Forum/?p=4457> (Emphasis added)

⁵² <http://www.thecre.com/Forum/?p=4513>

⁵³ <http://www.thecre.com/Forum/?p=4566> (Emphasis added)

or may not have 24 hour service in case something goes wrong with the machines or upkeep on the machines, or whatever, whatever the situation is, that these folks up there in Washington are trying to pull, I'm very much against. Very, very much against. And you know, in previous thoughts as well this one that may or may not make a difference, whether I think so, or whether I don't think so, but if there's anything that could be done. You can't mess with my oxygen, you know, I don't like that idea at all, whatsoever. I can see you saving money, but I can't see you doing it this way. ... I hope something can be done, I really do." (Conyers, GA)⁵⁴

- "I'm from Lexington, Georgia. I've had lung cancer and a section of my lung removed. I'm 72 years old, retired and I'm on oxygen therapy. According to this competitive business thing that this flier is mentioning, I might lose the oxygen company that I'm with now.

I'm a fisherman. That's the one thing that I'm still able to do. We go fishing. If I'm on those little tanks, I can't go fishing. I don't have enough time to be able to go out to the lake, go out fish and get back in again on a single tank. With the liquid oxygen cannister that I'm on at the present time, I can go fishing all day and it works out quite well and by taking a small tank with me, I can actually use my camper and go fishing or go camping for a week. I'm not restricted to the house. I still have some mobility.

You go into this competitive business thing, I'm probably gonna go end up losing my liquid oxygen and that would be, to me, that would be like cutting my legs off, lose all my mobility, lose the one thing I enjoy the most, I won't be able to do anymore. My boats will be useless to me. I hope that this new law doesn't go into effect. Competitive bidding on something like this doesn't make sense. I hope that there's some way to prevent it. I like the idea of having a choice as to whom I can go to. Thank you." (Lexington, GA)⁵⁵

- "Hi, good afternoon. I just received a notice about this so-called competitive bidding about home care equipment - home medical care. And I can say that I am very, very disappointed in this. I expect our congressman to do better by those of us who are aging and who are on Medicare. I get my equipment from Monroe Wheelchair company who have been very, very kind and very helpful and everything they've done for us. And now all of a sudden I find that we are not going to be able to get things from them anymore. I hope that Congress will take note of these things and do something about them. Thank you for listening." (Rochester, NY)⁵⁶

⁵⁴ <http://www.thecre.com/Forum/?p=4574>

⁵⁵ <http://www.thecre.com/Forum/?p=4627> (Emphasis added)

⁵⁶ <http://www.thecre.com/Forum/?p=4600>

- “Yes, we have had a terrific experience with our health care provider, which is in Tampa, Texas. And anytime that we have called him they have responded immediately and I would hate to see this go. I can call and ask them, it’s my husband’s breathing equipment, and they are there immediately. And I would hate for this health care program to go to where we could not get good health care service. Thank you. Bye.” (Little River, TX)⁵⁷
- “Yeah, Hello. I just got this letter today. They brought my husband some medical equipment out here. And, this letter said that we may be in of losing our service through our Genesis Oxygen Home Medical Equipment. This is very important for my husband because of his condition. They always bring out the medicine that he needs. The bandages, the gauze and things like that, as much as he use of the stuff. I don’t want to switch to anybody but Genesis will stay with Genesis. They’re a good company. They’re always on time. They never send anything that the doc does not order. Everything with them is excellent service with them and I really don’t want to lose them as customer and I really hope that you guys will reconsider everything to get ready to do and thank you very much. Bye-bye.” (Winchester, OH)⁵⁸
- “Hi, this is regarding.... She’s 97, oxygen, and has CPAP and all the equipment that the Antelope Valley Pulmonary in Lancaster, California. They’re very personal and they give her things that the big companies do not give her, that they actually charge to themselves. And this would be taken away if this company went out of business. So, with all of the regulations that are going on with this, please do not let this happen to us because the seniors need this extra TLC and taking it away isn’t going to help people, it’ll kill people. Thank you.” (Lancaster, CA)⁵⁹

Comments on Supplier Service – Other DME

- “My name is Jean and I’ve been getting breast prosthesis in bras and Medicare has paid for 80% of them and they tell me know that maybe we will be, won’t be able to go to the places we have been, that we have to go some other place that bids the lowest for everything and I really would hate to see that happen. The provider that we have now is Nipple Health Care and they do such a great job of fitting bras and prosthesis and helping you out when you feel kind of low that I would hate to see that we would have to go to some place like Wall Mart or some place to get it and not have the service that we do now. Thank you.” (Racine, WI)⁶⁰
- “I’m a spinal cord T - eleven, T- twelve who just recently broke her femur almost up to my hip joint. I have been dealing with Wilmington Medical Supply for my wheelchair tires. Also

⁵⁷ <http://www.thecre.com/Forum/?p=4660>

⁵⁸ <http://www.thecre.com/Forum/?p=4682>

⁵⁹ <http://www.thecre.com/Forum/?p=4750>

⁶⁰ <http://www.thecre.com/Forum/?p=4224> (Emphasis added)

more importantly my urological supplies. I have a longstanding relationship with them even though they there are in North Carolina. They are exquisitely good... They keep up their paperwork for Medicare. I have to use not just any urological bag. I have to use specialized one I have been in this chair for 25 years. ... I do not want Competitive Bidding because I just don't want to get some bag that is going to leak every time I lay on the bag because the closure on the bottom of the bag opens and closes when I lay on my side. I need a bag that does not go side to side. I need one that got closures up and down in the front so that when I turn on my side that it won't leak all in the boot that I wear to keep my feet off the my heels off the bed for pressure sores. They understand exactly what you are going through. The supplies are on time. I do not want to just depend on the government picking my supply company. They really are good on their prices for what I need. I just love them to death. They're probably are some other good companies out there but I don't want to be told that I need a red rubber catheter which I can't see whether I got an infection or sediment in my bladder which can build up to a bladder stone if I have passing blood if I have a really bad infection or injury . I need a clear tube... and I don't want like what the Veterans had ...the hard red ones ...you know.. which probably was the least expensive. ...

So please ...please lobby for this Competitive Bidding does not go through. It's just not fair to us. I feel sorry for the people that have oxygen that are not going to have someone maintain their equipment. ... So, please do what you can so that I can have a life... such as it is, it's been curtailed by this broken leg that I would like to be able to at least live another five years... Spinal cords are going up to almost 40 years now of life if they take care of their bladder and kidneys. And I do not want to have anymore surgery if I do not have to.

So thank you for listening and um..please summarize this call because there's a lot of us that are spinal cords now particularly women... Thank you so much for listening.” (Columbus, GA)⁶¹

- “I am calling in reference to the competitive bidding on Home Care Supplies. I am not in favour of just competitive bidding and not taking quality into consideration. If you go for the lowest bidder, most of the time you do not get quality products or quality service. I am 67 years old, I have worked for the Federal Government. I know how unproductive competitive bidding can be unless you have some guidelines for quality supplies and service also. The two must be linked together. Not one without the other. If you're going to just have competitive bidding, I am not in favour of it.” (Augusta, WV)⁶²
- “I live in Kinderhook, New York, and I'm disabled, and I rely on a motorized wheel chair. I receive service for my wheel chair through Monroe wheel chair and sometimes my wheel chair breaks down, I can be just completely stranded at home, and I can't, you know get the

⁶¹ <http://www.thecre.com/Forum/?p=3556>

⁶² <http://www.thecre.com/Forum/?p=2896>

chair to move, and it's really important, that I have a service provider, who can come to my home, when I'm unable to drive to get the chair working again, and to do it in a timely manner and, so I just wanted you to know that. Thank you." (Kinderhook, NY)⁶³

- "Yes I was calling, I'm concerned with competitive bidding law that congress has put into effect that we won't be able to use the manufactures that we want to use for Medicare benefits. I'm apposed to it . I want to be able to use my own Boardman medical supply company because of their service they've always given us and I don't wanna be told who we can and cannot use. So if you can please take this into consideration, I would be happy to know that that would mean something. Okay thank you." (Berlin Center, OH)⁶⁴
- "My adopted mom is disabled she has a wheelchair a walker and a hospital bed and is on oxygen due to multiple health problems. I don't appreciate Medicare cutting her off or trying to cut her off or going to the lowest bid. I think that's terrible, it's horrible. Patients should have the right to go to whom she wants and the lowest bidder and it will probably be a lousy person with no care of thought to the patient but to the money Medicare provides. Why doesn't Medicare investigate patients that are being charged when they don't even get seen by the doctor or doctors who charge for dead people that died many years ago or fraud to their medication that they're not even getting. Please investigate that and stop taking away things people actually need. Have a good day. (Reserve, LA)⁶⁵
- As a home bound senior citizen, the equipments that I have in my home that's been provided with different people here in the community that I live in and since I can't get out of my house, it is imperative that I have somebody that can come in and be with me and be my therapist and show me how to use different things to help me get around my house so that I am not completely dependent on people.

I would be lost without the providers that have been providing for me. I don't know where I would be if I didn't have my community to help me, the people here that provide all my equipment and help me with my medicine and everything. I would be absolutely lost. I don't think that this change in the Medicare procedure is a valid one. I believe that we should all have the choice of choosing what we want and who we want to take care of us and our senior years. Thank you very much for at least listening to me and understanding. I'm 71 years old and I really need to know that I'm gonna be okay. Thank you. Bye." (Tulsa, OK)⁶⁶

⁶³ <http://www.thecre.com/Forum/?p=3130>

⁶⁴ <http://www.thecre.com/Forum/?p=3821> (Emphasis added)

⁶⁵ <http://www.thecre.com/Forum/?p=3825> (Emphasis added)

⁶⁶ <http://www.thecre.com/Forum/?p=4310> (Emphasis added)

- “I’m calling about this new law that was passed by Congress. I don’t want to have to use a different medical equipment supplier than the one I’ve been using. They’re local, if I have a problem, they take care of my problems. I don’t appreciate having to go to some big conglomerate, that they have everything to say and we have nothing to say. I think that this should be changed, and we should keep these small businesses in business. Where else could you go, because the big companies don’t care about us, and what is Medicare trying to do to the American people? All they’re doing is taking away our benefits. Why don’t they take benefits away from Medicaid? People don’t pay for Medicaid, that’s charity. We pay for Medicare and we pay a lot of money for our prescription coverage and for our Medicare. We don’t get it for free, so why don’t they just stop trying to cut Medicare. And stop trying to put all these small businesses out of business.” (Whippany, NJ)⁶⁷
- “I have a very rare neurological disorder. I’m in a wheelchair, and get Willington Medical Supply catheters every month, and they supply my urological needs, and they tell me that I may lose them because of competitive bidding which means, well you know what competitive bidding is. I’m very unhappy with that, they’ve been very good to me over the years, and very kind and good, and when you find a company that’s kind and good to you and will listen when you have a need, it’s very hard to find another one that is like that. I’m very unhappy with that and I want whoever made that law to know that I’m very unhappy about that, and I’m a voter, and even though I’m in a wheelchair I’m a voter, and I count.” (Ocean Springs, MS)⁶⁸
- “I take care of my mother.... She is 83 years old and totally dependent. She’s on a feeding tube, in diapers, can’t walk, can’t swallow. End stages of dementia. I take care of her at home and I depend on small companies to assist me with their duro medical equipment and the service. So I am very much against the competitive bidding that has been allowed. I just want to let you know that it’s extremely difficult for me to go anywhere, especially if I have to get outside help in my house because I am constantly here taking care my mother. And I firmly believe that it’s an important thing to take care of it at home, because she was in a nursing home for 2 days and it was absolutely, absolutely horrible. The medicine was all messed up, the care was horrible. She wasn’t changed and she’s totally helpless. She can’t do anything on her own, she can’t call a nurse. Se can’t she doesn’t know what medication she takes. She doesn’t even know when she has a wet diaper. So it’s really important for me to be taking care of her. I really need all the help I can get. I have no outside funding at all, except for Medicare. And it’s really, really important to be able to get the services that I need. Thank you.” (Ponte Vedra, FL)⁶⁹

⁶⁷ <http://www.thecre.com/Forum/?p=4418> (Emphasis added)

⁶⁸ <http://www.thecre.com/Forum/?p=4474>

⁶⁹ <http://www.thecre.com/Forum/?p=4536> (Emphasis added)

- “Hi, I have gone right now through a wheelchair and a walker and thank God I am down to a cane. But I have been able to talk these people they check to make sure to see if I am using the right size equipment and everything. I never go for low bids. Low bidding means you’re getting crap. I mean I got when I examined what I am getting for my money. I don’t want anybody telling me I can’t go where I am going to get good personal service, just because they cheaper. Good Lord! ... I live in Eastern Pennsylvania and I am very upset by this competitive bidding, because competitive bidding is a lot of crap.” (Bethlehem, PA)⁷⁰
- “Yes I’m calling to register my angst regarding this Competitive bidding for durable medical conditions. ... Currently we have a wheelchair that Medicare is providing through a medical equipment provider in New York for my father as well as a bed and other medical equipment for the pad of the bed to keep the circulation going. They have provided good service, reliable good service and to be able to, you know to continue with them is what we wish. If Congress is in the mode for competitive bidding, I would hope very much that they have that same competitive bidding with part D to Medicare drugs which doesn’t seem to exist at the current time so to penalize durable medical equipment manufacturers and let the pharmaceutical companies have a free ride with non-competitive bidding, charge what they please, it doesn’t seem to make sense. I hope that the new medical changes that are coming include competitive bidding for all or not to penalize one group against the other. Thank you.” (Garden City, NY)⁷¹
- “I live in Washington State. I am highly against this competitive bidding and the no choice of medical durable equipment because small businesses are much kinder, and they better serve you, and they are more personal. The big giant medical services are awful to people, they just are absolute horrible, they don’t bring what you want, you don’t get what you need. You know it’s just half the effort and half the time and they don’t care if it’s right or not. I have got multiple sclerosis and I need a lot of home medical equipment, and I need things brought every month. It would be terribly, terribly difficult to have to deal with one of these large places that might get to you in a week or six. I want to support my own local business, I quit using the larger offices, the small businesses will be put out of business. Don’t we want to keep our economy going by encouraging small businesses? I much rather use small business because they care about the quality of the patient. And the big businesses are the ones that are gonna get all the bids for these things. So I think it is really unfair that with competitive billing a large uncaring business gets the job because they get more quantity so they can go a little cheaper. We don’t need that, we need, people like me need quality service, and small businesses are the only ones who care about that. I can’t name a large medical care service that does that. So I am against it. ... I am in Washington State, Vancouver. Thank you. Bye.” (Vancouver, WA)⁷²

⁷⁰ <http://www.thecre.com/Forum/?p=4561>

⁷¹ <http://www.thecre.com/Forum/?p=4664> (Emphasis added)

⁷² <http://www.thecre.com/Forum/?p=4716>

- “Yes. I live in Jacksonville, Arkansas and I have to have my diapers from Advocate Medical Supply Mobility. I’m not just a human being with real needs and the company they’re like as [?] provide medical care, not just a delivery service. And they’re very nice and they’re very professional and because of the Medicare and the Congress passing this stupid legislation, we may be forced to use another company. I don’t want another company. I have Medicare and Medicaid and I’ve had open heart surgery and back surgery and I want to keep my Advocate Medical Care here in Arkansas. So please tell this to the Legislature. Tell it to the President. Tell this to Congress. Don’t do this to us, the people who really care about their asses. Thank you. Bye.” (Jacksonville, AR)⁷³

Diabetic Supplies: Learn the Impact Before Expanding the Program

- “I would prefer to have my strips for my diabetic testing provided by a local and not a large national business where I won’t get personal service and I do not like this Health Care Reform bill that’s going through Congress now and will affect most of us in a negative way and the bill that’s to pay for this is to large for us to absorb.” (Akron, OH)⁷⁴
- “... We have already been through problems where we did not get our diabetic supplies... and if you go to this then we might go back to that and we may not have any choice. You may not give us a choice as to who can provide them and if that’s the case then we have to start paying for them again and he hasn’t, he doesn’t have the money for that. He is on SSI and Medicaid and this is how he gets his supplies. So please do not take this away from him. He needs this. Thank you.” (Orange, TX)⁷⁵
- “I received my diabetic supplies right on time as usual along with the letter stating that according to the new law we would be forced to use different home medical equipment supplier and I was wondering if this means that they already now that we will not be able to use Personal Care Products or if we would be notified who else will be delivering them or just what we are supposed to do. I appreciate the service and stuff from Personal Care so much because I am not able to get out always and go to the pharmacy to get my supplies and that’s why I started with Personal Care to begin with and I don’t know who else to call or who else I can talk to about this.” (Clarkston, WA)⁷⁶

⁷³ <http://www.thecre.com/Forum/?p=4730>

⁷⁴ <http://www.thecre.com/Forum/?p=4270>

⁷⁵ <http://www.thecre.com/Forum/?p=4498>

⁷⁶ <http://www.thecre.com/Forum/?p=4253>

CONCLUSIONS

- ▶ Beneficiaries do not want to lose the ability use their current DME supplier.
- ▶ Beneficiaries are concerned and fearful that they will be harmed by competitive bidding; the trauma of changing suppliers is a harm that needs to be studied.
- ▶ The “Purpose of the Study” section of the Study Fact Sheets⁷⁷ is deficient since it fails to state the purpose of the study: determining the impacts of the competitive bidding program on beneficiaries so that the information can be provided to Congress.
- ▶ The surveys obfuscate the impact on beneficiaries of CMS’ discretionary decision to eliminate many qualified suppliers from Medicare.
- ▶ CMS is not examining the impact of competitive bidding on users of diabetic supplies even though they are planning to quickly expand the program.
- ▶ CMS has not provided a mechanism for beneficiaries to provide information to the agency on an ongoing basis.

⁷⁷ Found in Appendix B of the ICR, pp. 138-139.

RECOMMENDATIONS

Study Fact Sheet: Survey of Oxygen Users and Survey of Durable Medical Equipment Users

- ▶ As currently written, the Fact Sheet does not comply with the PRA or the Data Quality Act since it fails to fully and accurately state the purpose of the study. By omitting this critical detail about the “purpose of the study,” CMS is misleadingly implying that the survey is part of general consumer satisfaction research rather than a legally-required inquiry into the impact on beneficiaries of a major policy change. Thus, CRE recommends that the section be revised as follows:
 - **“Purpose of the Study**
The purpose of the study is learn about the possible effects on you of a major change in how Medicare determines which companies are allowed to provide you with oxygen (and/or other durable medical equipment). We will use this information to report to Congress on the impacts of this new program, called “competitive bidding,” before it is implemented on national basis.”

Statistical Instruments

Survey of Medicare Patients Who Use Oxygen Equipment

- ▶ Prior to the current Section A, include a brief new section, Experience with Competitive Bidding, which includes the following questions:
 1. Were you required to change oxygen suppliers as a result of competitive bidding?
 - Yes
 - No (→ Skip to Section A)
 2. Do you think that changing oxygen suppliers affected your physical or mental health?
 - Yes
 - No (→ Skip to Question 3)
 - 2a Please tell us how you think your health was affected by changing suppliers
 - My health has improved
 - I have suffered anxiety or stress because of the change in suppliers
 - My health has gotten worse because of reduced service
 - My health has gotten worse because of lower quality equipment
 - My health has gotten worse because I no longer receive equipment that improved my quality of life.

3. Would you say that your customer satisfaction now, compared with your previous oxygen supplier, is:
- Better
 - Same
 - Worse

CMS will learn more about the impact of competitive bidding on Medicare beneficiaries and patient satisfaction from the above questions than from the lengthy survey which follows, a survey which only beneficiaries in relatively good physical and mental health are likely to be able to complete.

Survey of Medicare Patients Who Use a Power Wheelchair, Survey of Medicare Patients Who Use A Walker, Survey of Medicare Patients Who Use a Hospital Bed, and Survey of Medicare Patients Who Use a Continuous Positive Airway Pressure (CPAP) Machine

Consistent with the above recommended changes for the oxygen users survey, these four questionnaires should have a new Section A to begin the survey which asks:

1. Were you required to change DME supplier(s) as a result of competitive bidding (or in the last six months if CMS thinks the term “competitive bidding” is confusing)?
2. If so, did changing suppliers cause you anxiety and/or stress?
3. Has changing suppliers affect your health? If so, how?
4. Are you more satisfied, less satisfied or feel the same about your new supplier.

Diabetic Supplies

- ▶ Prior to expanding the competitive bidding program for diabetic supplies, either to in-pharmacy retail sales and/or nationally for mail order supplies, CMS needs to learn the impact of the Round 1 Rebid. Thus, the agency should undertake a brief survey of diabetic supply users asking the questions recommended above for the oxygen and other DME surveys.

Nonstatistical Data Collection Instruments

Key Informant Discussion Guide: Beneficiary Groups/Advocates (Wave 1)

- ▶ Question 7 “Have you heard of the Medicare plan to use Competitive Bidding to modify the DMEPOS fee schedule for reimbursing suppliers?” should be expanded to include a Question 7c, Have any of the beneficiaries you work with/represent changed their DME supplier(s) as a result of competitive bidding? If so, how has the change affected them?
 - The term “clients” in Question 7b should be replaced by a neutral term that does not imply a financial relationship.
- ▶ The Center for Regulatory Effectiveness should be named as one of the Beneficiary Groups/Advocates that CMS works with on this study in light of our: 1) long-standing work on competitive bidding; and 2) unique access to/outreach program for Medicare beneficiaries through our Competitive Bidding IPD and toll-free Hotline.

Key Informant Discussion Guide: CMS Officials or CMS’ Bidding Program Managers (All Waves)

- ▶ The focus group discussion should be expanded to ask CMS officials: 1) whether they have received complaints from beneficiaries about competitive bidding; and 2) to discuss/characterize those complaints. The Competitive Acquisition Ombudsman should be among the officials interviewed

Open Government Directive

- ▶ The Obama Administration has issued a landmark document to increase public participation in federal decisionmaking, the Open Government Directive.⁷⁸ As the Directive explains, participation is one of the three principles which form the cornerstone of open government. As the cover memorandum from OMB Director Orszag explains, “Participation allows members of the public to contribute ideas and expertise so that their government can make policies with the benefit of information that is widely dispersed in society.”

To demonstrate compliance with the principle of participation, CMS should expand this ICR to include comments from Medicare beneficiaries and other stakeholders on an ongoing basis, including after the Report to Congress is filed and the agency continues its research on the impact of the competitive bidding program. Although Medicare beneficiaries may be free to send their comments to the agency irrespective of the ICR, CMS’ announcement in the revised ICR that they seek comments on an ongoing basis would be a significant signal the beneficiary community that CMS cares about hearing their voices.

⁷⁸ http://www.whitehouse.gov/omb/assets/memoranda_2010/m10-06.pdf.

SUMMARY of RECOMMENDATIONS

1. Revise the Study Fact Sheets to specifically state that the purpose of the study is to report to Congress on the impact of the competitive bidding program on Medicare beneficiaries.
2. Revise the survey instruments to include a brief beginning section asking beneficiaries:
 - A) Did you have to change suppliers because of competitive bidding?
 - B) If so, did changing suppliers affect your physical or mental health?
 - C) Are you more pleased, less pleased or don't notice a difference with your new supplier?
3. Undertake a brief survey of beneficiaries receiving diabetic supplies to determine how they have been impacted by competitive bidding.
4. Ask beneficiary groups/advocates about any beneficiary welfare changes as a result of the implementation of competitive bidding.
5. Ask CMS officials about complaints received from beneficiaries concerning competitive bidding.
6. Utilize the Center for Regulatory Effectiveness as a beneficiary group/advocate.
7. In recognition of the Open Government Directive, announce in the revised ICR that comments from stakeholders will be accepted on an ongoing basis.