



***Filed via Electronic Mail***

June 18, 2009

Office of Management and Budget  
Office of Information and Regulatory Affairs  
Attention: CMS Desk Officer  
New Executive Office Building, Room 10235  
Washington, DC 20503

Re: **Information Collection Request: Round 1 Rebid and Disclosure of Subcontracting Relationships for the Durable Medical Equipment, Prosthetics, Orthotics and Supplies (DMEPOS) Competitive Bidding Program; 74 Fed. Reg. 23415 (May 19, 2009)**

Dear CMS Desk Officer:

The American Association for Homecare (AAHomecare) submits the following observations and concerns in response to the Centers for Medicare and Medicaid Services' (CMS) information collection request on the revised Request For Bids (RFB) instructions and forms for the Round One rebid of the durable medical equipment, prosthetics, orthotics, and supplies (DMEPOS) competitive bidding program (CMS Document Identifier CMS-10169; OMB Form Number: 0938-1016).

AAHomecare is the only national association representing every line of service within the homecare community. AAHomecare members include home health agencies and suppliers and manufacturers of DMEPOS, rehab and assistive technologies, and pharmacies that provide home infusion and inhalation drug therapies to patients in their homes. Our membership reflects a cross-section of homecare providers, including national, regional, and local providers and suppliers across approximately 800 member companies at 3,000 locations nationwide.

## **COMMENTS**

### **Form A:**

**Type of Business:** The options on the electronic drop-down list do not match the options listed on the hard copy document. The hard copy lists a checkbox for "Partnership" and the electronic drop-down list contains an option listed as "General Partnership." Because of this discrepancy, businesses that are limited partnerships will have to choose "Other,"

which can delay Form A bidder registration for weeks and requires special disposition by the Competitive Bidding Implementation Contractor (CBIC).

Doing Business As: Form A requires that a supplier indicate its “Doing Business As” (DBA) name if different from the legal business name reported in Question A. We recommend that CMS include the DBA names in the published contract winner lists.

### **Form B:**

Financial information: While the financial information requirements seem to be simplified from the previous requirements, we continue to believe that some aspects of it could create confusion for some bidders. While page 15 of the RFB instructions requests Financial Statements for the last calendar year, page 16 refers to financial documents requirement for the “immediate one (1) year prior to the date on which the bid is submitted”. We recommend that CMS clarify the financial statement requirement.

Total Units Provided: Form B, # 4a and b, require the supplier to list the total units provided to all customers and to Medicare beneficiaries in the CBA in the previous calendar year. The instructions require the supplier to indicate a “0” if the supplier has not provided the item in the CBA in the past calendar year. However, during the initial bidding of Round One, the electronic system would not accept an entry of zero. The CBIC subsequently directed suppliers to enter a “1” in place of a zero in these instances. We recommend that CMS revise these instructions to indicate that a supplier should enter a “1” if the system will not accept the entry of “0”.

### **Form D:**

Equipment Quality: We recommend that CMS revise question # 4 on the patient evaluation form to indicate that the patient is evaluating the “quality” of the DME rather than the “use” of the DME. The question should read as follows: “How would you rate the quality of the DME provided by the DME contract supplier?”

## **CONCLUSION**

Thank you for providing us with the opportunity to comment on the draft revisions to the RFB instructions and forms. Please feel free to contact me or Walt Gorski, AAHomecare’s Vice President for Government Relations, should you have any questions.

Sincerely,



Tyler J. Wilson  
President, American Association for Homecare