

HEMOCARE CONCEPTS  
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June 18, 2009

OMB  
Office of Information and Regulatory Affairs  
Attention: CMS Desk Officer

Comments submitted via e-mail to [OIRA\\_submission@omb.eop.gov](mailto:OIRA_submission@omb.eop.gov)

Re: Request for Bids (RFB) Instructions for the Medicare Durable Medical Equipment, Prosthetics, Orthotics and Supplies (DMEPOS) Competitive Bidding Program

We are writing regarding the proposed Request for Bids (RFB) instructions and accompanying forms for the DMEPOS Competitive Bidding Program. We appreciate the opportunity to comment on these proposed documents.

**Section II. Considerations for Submitting a Bid**

A. Eligibility to Submit a Bid; it is stated that "A supplier with only one location in a multiple state CBA must have that location meet the license requirements of each state in the CBA to provide competitive bidding items and services throughout the CBA. Our office is located in the New York-Northern New Jersey-Long Island, NY-NJ-PA Metropolitan Statistical Area, which crosses into three states and encompasses 23 counties. As noted on the Wikipedia website, the New York metropolitan area or Tri-State Region is the most populous metropolitan area in the United States and is also one of the most populous in the world. It is unrealistic to expect a provider in this location to provide services in all 3 states and 23 counties let alone be licensed in all. Serving a smaller area of this MSA, within NY State alone is significant enough. This expectation creates an unfair advantage for the National companies.

F. Bona Fid Bids; This section indicates that a request may be made of the supplier to submit additional information, such as manufacturer invoices in order to verify that the supplier can furnish the item at the bid price. If it is determined through invoice verification that the bid amount was a clerical error and the provider can show this was not their intended bid, will they have an opportunity to correct the line amount, or will their entire bid be thrown out?

**Section III. The Bidding Process**

A.2. DBidS Online Bid Submission; This section states that a supplier must be accredited or have pending accreditation in order to submit a bid. By the time this round of bidding goes into affect all providers will have to already be accredited as the deadline is 9/30/09.

A.3.. Form A: The Bid Application; Why are purchase bids still being requested for rental items. The bid price should be reflective of the amount you intend to bill each month for the item. As providers are not permitted to submit a bid amount higher than the current Medicare fee schedule, it is difficult to make

this relationship when the fee schedule is listed as a rental only and the request is for a purchase amount.

C. Bid Submission Requirements; This section indicates that the bidding window will be open for 60 days. Will the bidding window be extended if the system is unavailable at any time and does CBIC have a contingency plan for such scenarios.

**Supporting Statement for Paperwork Reduction Act:**

B.6. Less Frequent Collection: This section indicates that the bidding window was open for 60 days in Round 1 of competitive bidding when in fact it was open longer than 60 days due to system issues.

B.12. Burden Estimates, a. Round 1 Rebid; It is estimated here that the burden on the provider is approximately 68 hours. Does this calculation include time spent gathering all of the required data or is this strictly clerical time spent entering the figures into the online bidding system?

**Patient Survey**

Question #4: should read “ How would you rate the **quality** of the DME provided by the DME contract supplier.

Thank you for the opportunity to provide comments on this important topic.

Sincerely

Kelly Brussell  
Executive Administrative Assistant / Compliance Officer  
Homecare Concepts