



March 27, 2020

The Honorable Alex Azar
Secretary
Health and Human Services
200 Independence Avenue, SW
Washington, DC 20201

The Honorable Seema Verma
Administrator
Centers for Medicare & Medicaid Services
7500 Security Boulevard
Baltimore, MD 21244

Secretary Azar and Administrator Verma,

The undersigned patient advocacy organizations are committed to ensuring that individuals with serious chronic conditions, including rare and ultra-rare conditions and rare cancers, have access to the health care services that are critical in treating and/or managing their diseases. We appreciate CMS' efforts to ensure that the nation's most vulnerable patients receive the care they need throughout the COVID-19 pandemic. We write to call your attention to a serious care gap that has emerged from the COVID crisis that, without your urgent attention and action, will place our patients at significant risk.

Secretary Azar's leadership in writing to the nation's governors on March 24, urging an "all hands on deck" approach was a critical step toward ensuring that our health care system quickly adapts to meet the challenges of this national emergency. The letter highlighted the importance of relaxing settings of care to permit broader access to care in patients' homes, and this should be of great help to those covered by Medicaid and commercial insurers. Unfortunately, Medicare payment rules and mechanisms do not align with the flexibilities Secretary Azar urges among states and providers. Medicare beneficiaries are at greatest risk for severe and fatal COVID-19 illness, yet without CMS' immediate action they will remain unable to receive their care within the safe social distancing required to minimize COVID transmission.

Throughout the pandemic, patients with rare and serious chronic conditions who rely on Medicare Part B settings of care for their infusion treatments are confronted with an impossible choice between the high risk of COVID-19 exposure within a provider setting and the known, potentially catastrophic consequences of delaying or stopping the treatments they need to avoid disease progression or exacerbation. We desperately need your help, and urge you to issue the necessary program transmittal(s) or other policy directives required to align Medicare



policies with the COVID-19 responses Secretary Azar identified. CMS must permit Medicare beneficiaries to receive Medicare-covered Part B infused medications from qualified practitioners in the safety of their homes within the Part B benefit. We expect that this could be accomplished by, for example, permitting arrangements between physician offices (and/or hospital outpatient departments) that would submit a claim and qualified health care practitioners that would administer infused treatments in the home setting. The attached draft Program Transmittal provides more granular detail on the mechanisms patients and providers need to ensure safe continuation of infused therapies.

Reducing healthcare-related COVID-19 exposure for patients with serious and life-threatening conditions will not only improve their health and wellbeing and that of their caregivers, but it could make the difference between a health system overwhelmed by gravely ill COVID-19 patients and one equipped to care for all patients throughout this public health emergency. Failing to do so would place Medicare beneficiaries with the greatest vulnerability to COVID-19 disease at a heightened risk of exposure.

Please let us know how we can support your efforts on this critical issue. Please contact Saira Sultan at saira.sultan@haystackproject.org, eric.gascho@nhc.org, akennedy@everylifefoundation.org or christianr@rareproject.org with any questions or to request information on how this policy change could impact specific patient communities. We will work collectively to respond as quickly as possible.

With urgency,

