

April 3, 2020

The Honorable Alex M. Azar II  
Secretary  
Department of Health and Human Services  
200 Independence Avenue, SW  
Washington, DC 20201

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

Dear Secretary Azar and Administrator Verma:

The ongoing COVID-19 pandemic has created, and continues to create, substantial barriers to medically necessary treatment and care for many Americans, with a disproportionately harmful impact on at-risk populations. We appreciate your efforts to address access issues on a number of fronts and engage with our offices as you worked to develop your most recent regulatory actions, which take important steps towards meeting some of the challenges for vulnerable patients that we have raised. As we seek additional options for protecting the lives of those most negatively affected by the pandemic, we are writing to encourage you to continue engaging with our offices and relevant stakeholders to build upon these productive steps through effective implementation, along with additional policy levers, as needed, in order to ensure that Medicare beneficiaries can access physician-administered Part B-covered infused and injectable medicines in the home setting during the COVID-19 public health emergency.

As the CDC and researchers across the world have noted, COVID-19 presents the most severe health risks to older individuals, as well as to those with underlying conditions, making the Medicare-covered population especially vulnerable to this dangerous disease. Unfortunately, Medicare beneficiaries in need of medical care or treatment for issues unrelated to the pandemic too often face a grueling decision, whereby they must choose between forgoing the services and medications they need by staying home or, alternatively, seeking care in a hospital setting or physician's office. Many of these providers will be unavailable for patients not presenting with COVID-19-related illness, if not closed altogether, and even providers still offering other services may expose beneficiaries to a heightened risk of infection, due to the growing prevalence of COVID-19 patients at such facilities.

In the interim final rule with comment period (IFC) that CMS issued earlier this week, you took a number of steps that will help protect Medicare beneficiaries from unnecessary risks and ensure continuance of care during these challenging times. That said, we recognize that unforeseen hurdles will likely emerge and that some patients will continue to experience severe access challenges. We ask that, as you engage with patient advocates, providers, and other stakeholders, you seek out opportunities to further close remaining gaps and, as much as possible, pursue solutions that provide for continuity and consistency in care. These solutions must ensure beneficiary access to Part B drugs, provide appropriate payment for these drugs, and sufficiently reimburse for administration services rendered when provided in the home setting.

Given the large share of infused and injectable medicines that treat serious and life-threatening conditions, often with few or no viable or accessible treatment alternatives, many patients cannot afford to go without these therapies; access barriers will result in medication non-adherence, triggering deteriorating health outcomes and dire consequences for some of our most vulnerable Americans.

As reports of current and impending practice closures, capacity shortages, and infections contracted at healthcare facilities continue to circulate, it is vital that we act now to ensure that all Americans, particularly those at highest risk of severe illness from COVID-19, can receive the care and medications that they need in the safest possible setting. For a growing number of beneficiaries, that setting is the home.

Sincerely,

Tim Scott  
United States Senator

Mark R. Warner  
United States Senator

Mike Crapo  
United States Senator

Tom Carper  
United States Senator

Pat Roberts  
United States Senator

Michael F. Bennet  
United States Senator

Michael B. Enzi  
United States Senator

Robert P. Casey, Jr.  
United States Senator

John Cornyn  
United States Senator

Jeanne Shaheen  
United States Senator

John Thune  
United States Senator

Benjamin L. Cardin  
United States Senator

Richard Burr  
United States Senator

Christopher A. Coons  
United States Senator

Rob Portman  
United States Senator

Chris Van Hollen  
United States Senator

Bill Cassidy, M.D.  
United States Senator

Kyrsten Sinema  
United States Senator

James Lankford  
United States Senator

Jon Tester  
United States Senator

Steve Daines  
United States Senator

Margaret Wood Hassan  
United States Senator

Cindy Hyde-Smith  
United States Senator

Debbie Stabenow  
United States Senator

Susan M. Collins  
United States Senator

Marco Rubio  
United States Senator

Kelly Loeffler  
United States Senator

Thom Tillis  
United States Senator

Joni K. Ernst  
United States Senator

Cory Gardner  
United States Senator