

American Association for Homecare

Competitive Bidding Legislation Side-by-Side

Provision	110th Congress H.R. 1845 – Tanner-Hobson Bill	110th Congress Refocused Proposal
<u>Sec. 1: Short Title</u>	Medicare Durable Medical Equipment Access Act of 2007	
<u>Sec. 2: Beneficiary Protections</u>		
Application of Quality Standards	Prohibits the Secretary from awarding competitive bidding contracts unless quality standards are implemented and CMS Program Advisory and Oversight Committee on competitive bidding (PAOC) has given advice.	No similar provision
Small MSAs Exemption	Mandates that smaller and rural MSAs (those with populations of less than 500,000) be exempt from competitive bidding.	No similar provision
Program Advisory and Oversight Committee (PAOC)	Applies the Federal Advisory Committee Act (FACA), which requires public access to meetings and proceedings, to the PAOC.	No similar provision
<u>Sec. 3: Supplier Protections</u>		
Qualified Supplier Participation	Permits any supplier to participate at the selected award price as long as they submitted a bid at less than the fee schedule amount and are otherwise compliant with program requirements.	No similar provision
Appeals Rights	Restores appeals rights (administrative and judicial review) for the following: i. Establishment of payment amounts ii. Awarding of contracts iii Designation of competitive acquisition areas iv. Phased-in implementation v. Selection of items and services for competitive acquisition vi. Bidding structure and number of contractors selected	Same as Tanner-Hobson

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Grandfathering of Enteral Nutrition	No similar provision	Treats enteral therapy similar to oxygen therapy by allowing “grandfathering” for existing suppliers so patients can continue services with their existing suppliers.
Definition of Product Category	No similar provision	Defines a product category as a group of items and services with HCPCS codes contained within a single NCD or LCD.

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