

APRIL 11, 2008



Durable Medical Equipment Competitive Biddings Facts

Charlotte-Gastonia-Concord, NC/SC

Executive Summary – In an attempt to save money and stop perceived corruption, the Federal government enacted a competitive bidding process for Medicare Part B funded Home Medical Equipment nationwide. The process was significantly flawed. Companies were not required to be bonded in order to bid, nor were they required to have ever delivered specified equipment before. A majority of applicants were erroneously disqualified from the process, with no ability to appeal. Contracts were awarded to some who did not apply. Out of state contractors, without state licenses, were given local service areas.

As a result some services will be denied, quality of service, especially for the elderly, will be diminished, monopolies will be created, 10,000 – 20,000 small business employees may lose their jobs and benefits and the public welfare will be at risk during times of crisis and disaster.

Below is a more specific summary

Glossary of Terms

CIBC - Competitive Bidding Implementation Contractor

CMS - Centers for Medicare and Medicaid Services

DMEPOS - Durable Medical Equipment Prosthetics, Orthotics and Supplies

MSA – Metropolitan Statistical Area

CBA – Competitive Bidding Area

On April 2, 2007 the Centers for Medicare and Medicaid Services (CMS) issued a Final Rule for the Competitive Acquisition Program for the Durable Medical Equipment, Prosthetics, Orthotics, and Supplies (DMEPOS). This controversial Competitive Bidding Program is scheduled to begin on July 1st, 2008 in 10 Metropolitan Statistical Area (MSAs) including Charlotte. The Charlotte MSA includes of Gaston, Mecklenburg, Cabarrus, Union and Anson Counties in North Carolina and York County in South Carolina. Nine categories of equipment will be affected in the Orlando MSA. These items represent the majority of all of the equipment reimbursed by Medicare and includes: Oxygen, CPAP and Respiratory Assist Devices, Standard Motorized Wheelchairs, Complex Rehab Wheelchairs, Enteral Feed & Supplies, Negative Wound Pressure Devices, Walkers, Mail Order Diabetic Testing Supplies, and Hospital Beds.

Only Accredited providers were allowed to bid. The bidding window ended on September 25, 2007. When the program begins on July 1, 2008, only companies which won the bid may provide equipment to new patients. Of the **131** oxygen providers that are currently in and bordering the Charlotte MSA, the Competitive Bidding Implementation Contractor chose to allow **only 11** companies to provide and service Oxygen to new and returning patients within the Charlotte MSA. The facts enclosed below were compiled from CMS, Industry Media and letters from legislators.

Disclaimer: The information on this document is believed to be accurate. However those who read it should not act upon it until they have satisfied themselves, from their own independent sources of the accuracy of the information provided.

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THE BIDDING SITUATION

- Legislators have raised the issues of due process and fundamental fairness of the administrative implementation of the Competitive Bidding, by the Competitive Bidding Implementation Contractor (CBIC), Palmetto GBA. A number of Senators and Members of Congress have expressed written concerns that an extraordinary number of bidders were disqualified because Palmetto, GBA did not adhere to their original application rules.
- CBIC has also been questioned by legislators for allegedly misplacing required application documents. As a result CBIC appears to have erroneously disqualified hundreds of bidders which may have won the bids and affected the overall new reimbursement. The majority of these Disqualified providers and bid losers are small businesses. Medicare has estimated that small businesses make up 90% of all providers prior to the bid.
- CMS will reduce the number of Oxygen Providers able to do new business in the Charlotte MSA. Those providers are from the following counties in and bordering the Charlotte MSA: Gaston, Mecklenburg, Cabarrus, Union, Anson, Cleveland, Lincoln, Iredell, Rowan, Stanly and Richmond Counties in North Carolina and York, Cherokee, Union, Chester, Lancaster and Chesterfield Counties in South Carolina. The Oxygen Providers from the counties in and bordering the Charlotte MSA will be reduced from 131 to only 11 bid winners. That means less than 9% of existing suppliers survived.
- The 120 Oxygen Companies that did not win the bid will not be allowed to provide new orders of Oxygen for Medicare Part B patients in the Charlotte MSA after July 1, 2008. This includes patients that have never used oxygen before. Patients that have previously used oxygen that have incurred a 60 day break in service, change of residence out of and then returning into the CBA or changed their Part B status cannot have oxygen provided by non-winning bidders. Non-winning Bidders will be paid the new single payment amount, as all of their existing patients will be grandfathered in. These existing patients will own their equipment after 36 months of continuous rental. It should be noted that these non-winning bidders will lose existing oxygen patients through attrition.
- Industry experts have calculated that the Non-winning bidders which make up 91% of the current Medicare Oxygen providers will most likely close due to the current plan.

THE ECONOMIC SITUATION

- The economic impact of the projected probable closing of an estimated 91% of the oxygen providers will be devastating to thousands of employees in and around the Charlotte CBA. They will lose their jobs, lose their health insurance coverage and be very unlikely to find work in this resulting highly job-limited industry.
- Instead of a total of 131 suppliers in the affected North Carolina and South Carolina area, a mere 11 or less than 9% of the current providers will remain to attempt to service the area in the aftermath of the next Hurricane, Tropical Storm or any potential disaster which may affect the area. In the preparation and aftermath of the next disaster that affects the region of providers within the MSA and bordering it, there may be only 11 providers to cover the 17 counties. That is an average of less than one provider per county able to do business within the CBA. The remaining local providers may not have enough back-up oxygen systems, spread out geographically across the area to support their patients during the declared disaster.

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- Medicare's Utilization records show that there were 81,800 Home Oxygen systems (Concentrators-E1390 and Liquid Reservoirs-E0439) allowed as monthly units by the Charlotte MSAs Medicare Oxygen Providers in 2006. Under the new program, the 11 Oxygen Bid winners will be responsible for the service and maintenance of all of those existing Oxygen patients. That is an average of over 7,436 oxygen providers per bid winner annually, once the current rental period ends.
- It has been reported that some Oxygen Bid winners have never provided oxygen before and are unaware of the demanding requirements and licensure required to dispense this type of drug. These companies may be accredited to provide walkers, but they are not accredited to provide oxygen and are not aware of the policies and procedures for training, safety delivery, testing, servicing and maintenance requirements to provide oxygen.
- The Results of the Bid process will be the creation of a few large monopolies in the various MSA's. Without competition there will be little to no incentive to improve service, especially with the reduction in payouts by Medicare.
- The patient's access to care and services are already being affected in the 10 MSAs. Bid winners have already sent information to Hospital Discharge Planners, Case Managers and Doctors explaining that they will no longer deliver Bedside Commodes and other less expensive equipment if it is not accompanied with an oxygen order. Before the bid, providers would provide these less expensive items in order to compete in the market as a "one stop shop".
- The servicing of Oxygen patients will be even more complicated and financially disadvantageous starting January 1st, 2009. At which date all of the patients who have been using Oxygen prior to and since January 1, 2006, will become owners of their Oxygen equipment.
- Oxygen was always paid for monthly for as long as it was medically necessary for the patient to use it. Now the patient owns the oxygen system after 36 months.
- In the Charlotte MSA the rental payment by Medicare for oxygen will be reduced to less than \$140.00 per month. That monthly reimbursement includes the cost of filters, tubing, cannulas, oxygen masks, humidifiers, patient retraining, maintenance and any necessary replacement of the equipment.
- Today companies compete to have Oxygen repaired within a few hours and by providing service 24 hours a day, as quickly as possible to keep their patients happy.
- There are no specific time requirements in the current Medicare Supplier Standards or in the Competitive Bidding Program for the delivery, repair or servicing of Oxygen equipment. In the past that did not matter, because reimbursement was sufficient to allow suppliers to compete on the basis of the speed and efficiency with which they provided these services. That will no longer be true.
- With such low margins, bid winners do not have to provide services that the community took for granted such as a timely response or even delivery. This is another example of how this program will affect patients, as the remaining providers will not provide services that they have not won or are no longer profitable. Patients will be forced to either travel outside of their area to obtain home medical equipment or pay a high cost for delivery which they never had to in the past. Unfortunately it is more likely that the patient will not go through the extra cost or hassle to get the equipment they need. This will cause more incidents of home slip and falls, poor patient outcomes and eventual greater costs to the entire Medicare system.

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THE FUTURE RESULTS

- After January 1, 2009, when the patient owns their oxygen system, the bid winners will only receive a few dollars for the cost of replacement supplies and cannot bill for the travel time to and from the patients residence. It is obvious to suppliers that costs will substantially exceed reimbursements
- Therefore industry experts feel that, as a necessity for survival of the winning bid suppliers, the service and maintenance of the patient's Oxygen systems will be unavoidably severely neglected. They feel that repairs and maintenance of the systems will be very hard for patients to receive, especially by patients who own their systems after January 1, 2009.
- Industry experts believe that after the program begins, the larger companies will purchase the smaller ones and the few remaining companies will have a monopoly.
- When the monopolies occur, every community will lose virtually all its local suppliers. As a result, in addition to the serious deterioration of services to insured patients, uninsured patients and patients with limited medical equipment coverage will pay higher retail prices from the remaining providers.
- All available evidence supports the conclusion by industry experts that the geriatric, Medicare populace will suffer greatly as a result of the new Rules. Instead of the personalized service they receive now, patients will be forced to solve their problems through the use of automated phone systems, voicemail, call back options, and endure the frustration of long wait times both for answers and deliveries of services and equipment
- Healthcare providers believe that patients will have a difficult time receiving portable oxygen once the program begins as a result of the new reimbursement which has been reduced to only \$21.94 per month in the Charlotte MSA. The figure of \$21.94 includes the cost to deliver as many tanks as the patient needs per month. It also includes the cost of the tank, regulator, cart, cannulas and any type of training and replacement. Delivery costs on a single monthly delivery, exceeds the proposed reimbursement. Furthermore, substantially reduced Medicare payments on all other items, eliminates the supplier's ability to cover losses in one area with net income in another.
- After the Competitive Bidding Program begins, it will be very difficult for a patient to change their provider for any reason, whether valid or not.

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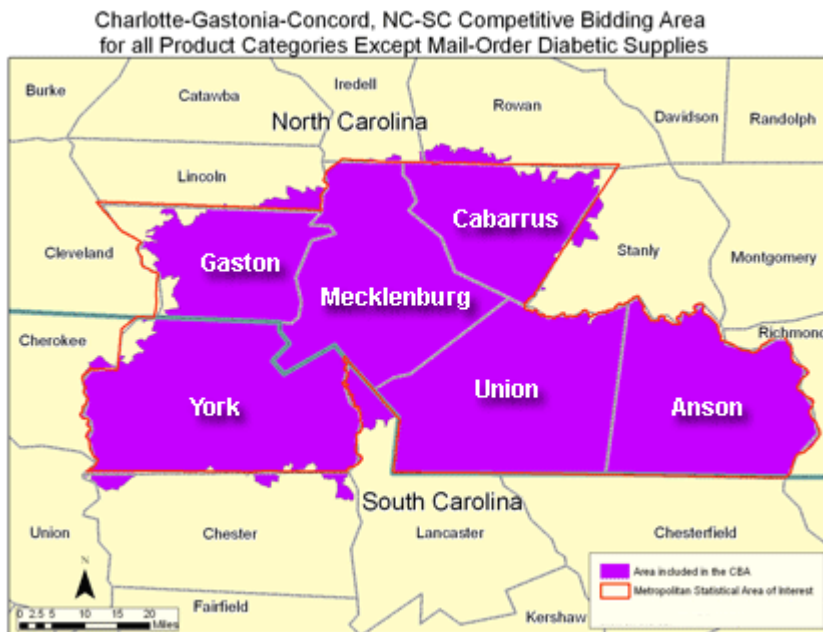
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CBA



- Area included in the CBA.
- Metropolitan Statistical Area of Interest.

To view the list of zip codes, click on [View Zip Codes](#) or the file attachment below.

[CharlotteGastoniaConcordNCSCNonMO.pdf](#)

last updated on 02/17/2008



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Contract Offers by Product Category and Competitive Bidding Area (CBA)

	Charlotte-Gastonia-Concord, NC-SC	Cincinnati-Middletown, OH-KY-IN	Cleveland-Elyria-Mentor, OH	Dallas - Fort Worth-Arlington, TX	Kansas City, MO-KS	Miami-Fort Lauderdale-Miami Beach, FL	Orlando, FL	Pittsburgh, PA	Riverside-San Bernardino-Ontario, CA	San Juan-Caguas-Guaynabo, PR
Oxygen Equipment and Supplies	11	17	21	35	16	44	30	21	17	*
Standard Power Wheelchairs, Scooters and Related Accessories	11	12	12	24	14	18	14	11	19	6
Complex Rehabilitative Power Wheelchairs and Related Accessories	11	7	6	11	5	5	5	5	8	*
Mail-Order Diabetic Supplies	10	12	12	14	10	17	12	10	7	14
Enteral Nutrients, Equipment and Supplies	13	11	14	13	13	21	16	10	13	*
CPAP, RAD and Related Supplies and Accessories	12	14	15	25	13	33	25	15	17	16
Hospital Beds and Related Accessories	12	11	13	39	16	44	25	16	33	*
NPWT Pumps and Related Supplies and Accessories	11	8	8	17	6	17	16	7	6	10
Walkers and Related Accessories	9	9	11	18	11	25	16	11	12	17
Support Surfaces	**	**	**	**	**	38	**	**	**	*

* Did not have a sufficient number of qualified, bidding suppliers to meet projected demand for the length of the contract period

** Did not request bids for this product category in this CBA

NOTES:

The information in this chart represents the number of contract offers, **NOT** the actual number of contracts that will be awarded. In addition, this information does not represent the number of supplier locations for each supplier entity/organization. Some supplier entities have a number of locations throughout a CBA that would be servicing the area if a contract is awarded.

ALLOWED SERVICES - CY 2006

Modifier	National	Miami-Fort Lauderdale-Miami Beach, FL	Charlotte-Gastonia- Concord, NC-SC	Dallas-Fort Worth- Arlington, TX	Orlando, FL	Riverside-San Bernardino-Ontario, CA	Pittsburgh, PA	Kansas City, MO-KS	Cincinnati-Middletown, OH-KY-IN	San Juan-Caguas- Guaynabo, PR	Cleveland-Elyria- Mentor, OH
	512,587,934	27,095,213	3,224,790	5,714,041	3,294,694	4,103,254	2,899,255	2,157,491	2,243,484	2,771,038	4,468,633
OXYGEN SUPPLIES											
A4608	55	-	-	-	-	-	-	-	-	-	-
A4615	13	-	-	-	-	-	-	-	-	-	-
A4616	97	-	-	-	25	-	-	-	-	-	-
A4617	-	-	-	-	-	-	-	-	-	-	-
A4620	4	-	-	-	-	-	-	-	-	-	-
E0424	RR 6,179	33	12	28	-	13	41	2	10	187	18
E0431	RR 7,555,609	80,596	47,621	80,797	47,896	49,823	26,913	41,062	37,899	12,811	93,312
E0434	RR 973,208	2,448	7,446	11,158	3,518	1,978	19,045	6,906	3,433	1,791	7,666
E0439	RR 703,380	2,122	2,447	10,820	2,654	2,081	10,904	3,802	2,097	1,902	7,535
E0441	1,002	-	3	7	-	-	-	23	1	-	7
E0442	18,259	-	9	2	11	-	420	-	-	-	17
E0443	11,949	-	35	14	12	12	25	96	21	-	141
E0444	1,530	-	-	12	-	-	-	3	-	-	-
E0560	RR 180	6	-	7	2	3	4	-	-	-	-
E0560	NU 140	-	-	-	-	-	-	-	-	1	-
E0580	NU 114	-	-	-	-	-	-	-	-	-	-
E0580	RR 42	-	-	1	-	-	-	-	-	1	-
E1353	-	-	-	-	-	-	-	-	-	-	-
E1355	-	-	-	-	-	-	-	-	-	-	-
E1390	RR 11,637,206	196,583	79,353	115,681	106,294	63,466	71,765	74,643	58,601	19,815	102,411
E1391	RR 292	-	-	-	-	-	-	-	-	-	6
E1392	RR 37,246	4,927	3	211	130	106	704	94	2	635	72
K0738	RR 13,112	9	93	74	3	20	316	136	33	-	354
POWER MOBILITY DEVICES - Standard & Complex Combined (also includes data for previous codes E1230, K0011, K0012 and K0014)											
E0950	NU 3,044	12	22	17	9	18	48	14	31	43	45
E0950	RR 899	7	11	-	-	-	27	-	7	-	47
E0951	RR 55,407	200	1,231	684	153	35	946	77	66	8	736
E0951	NU 43,338	121	1,108	580	389	123	376	125	119	262	386
E0951	UE 369	-	-	-	-	-	2	-	54	-	-
E0952	NU 1,141	-	2	125	2	16	2	2	1	-	22
E0952	RR 58	-	-	-	-	-	2	-	-	-	-
E0955	NU 11,955	18	99	149	61	51	89	88	71	15	121
E0955	RR 315	2	-	1	5	5	8	-	-	-	-
E0955	UE 31	1	-	-	-	-	-	-	-	-	-
E0956	NU 6,938	12	56	62	52	46	56	44	51	6	78
E0956	RR 85	-	-	-	-	-	-	-	-	-	-
E0956	UE 5	-	-	-	-	-	-	-	-	-	-
E0957	NU 1,285	2	14	12	10	5	14	13	10	-	29
E0957	RR 17	-	-	-	-	-	-	-	-	-	-

April 27, 2007

f:\DME COMPETITIVE BIDDING\Round One Codes Service Counts CY2006.xls
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Note: Contract suppliers must accept Medicare's approved payment amount as payment in full for competitive bid items. Contract suppliers that are also participating suppliers, accept Medicare's approved payment amount as payment in full for both competitive bid and non-competitive bid items. [Important Information about Participating and Non-Participating Suppliers.](#)

[Oxygen](#)

There is 1 participating and 12 non-participating Oxygen suppliers in **GASTON County, North Carolina.**

[Sort By Name](#) ▲ [Sort By Participating](#) ▲

Name	Participating?	Location
AMERICAN HOMEPATIENT INC	No	3512 OLD REDBUD DR # A GASTONIA, NC 28056-9284 (704) 823-7670 Mapping/Directions
BILLING SPECIALISTS INC	No	936 N MARIETTA ST STE 10 GASTONIA, NC 28054-7301 (704) 869-9091 Mapping/Directions
BROOKINS INC	No	



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[Oxygen](#)

There are 3 participating and 24 non-participating Oxygen suppliers in **MECKLENBURG County, North Carolina.**

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Name	Participating?	Location
ADVANCED SERVICE INC	No	2520 WHITEHALL PARK DR STE 950 CHARLOTTE, NC 28273-3557 (704) 831-5000 Mapping/Directions
AMERICAN HOMEPATIENT INC	No	3440 SAINT VARDELL LN STE C CHARLOTTE, NC 28217-1368 (704) 529-0643 Mapping/Directions



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[Oxygen](#)

There is **0** participating and **13** non-participating Oxygen suppliers in **CABARRUS County, North Carolina.**

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Name	Participating?	Location
ADVANCED SERVICE INC	No	744 CHURCH ST N CONCORD, NC 28025-4336 (704) 784-2111 Mapping/Directions
AMERICAN HOMEPAIENT INC & SUBS	No	2353 CONCORD LAKE RD STE 130 CONCORD, NC 28025-2892 (704) 786-5600 Mapping/Directions



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[Oxygen](#)

There is **0** participating and **7** non-participating Oxygen suppliers in **UNION County, North Carolina.**

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Name	Participating?	Location
AMERICAN HOMEPATIENT INC	No	1150 CURTIS ST MONROE, NC 28112-5058 (704) 283-7051 Mapping/Directions
APRIA HEALTHCARE INC	No	2630H NELDA DR MONROE, NC 28110-8498 (704) 292-7556 Mapping/Directions
CAROLINAS HOME	No	



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[Oxygen](#)

There is 1 non-participating Oxygen supplier in **ANSON County, North Carolina.**

Name	Participating?	Location
LIBERTY MEDICAL SPECIALTIES INC	No	921 E CASWELL ST WADESBORO, NC 28170-2305 (704) 695-1111 Mapping/Directions

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[Oxygen](#)

There is 1 participating and 12 non-participating Oxygen suppliers in **YORK County, South Carolina.**

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Name	Participating?	Location
AFTERCARE HOME MEDICAL EQUIPMENT INC	No	538 GREAT FALLS HWY CHESTER, SC 29706-8379 (803) 385-2252 Mapping/Directions
AGAPE HOME MEDICAL INC	No	2115 EBENEZER RD ROCK HILL, SC 29732-1017 (803) 366-2324 Mapping/Directions
CONVACARE INC	No	



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[Oxygen](#)

There is 1 participating and 6 non-participating Oxygen suppliers in **CLEVELAND County, North Carolina**.

[Sort By Name](#) ▲ [Sort By Participating](#) ▲

Name	Participating?	Location
CAROLINA MEDICAL SUPPLY LLC	Yes	1802 SHELBY RD KINGS MOUNTAIN, NC 28086-8900 (704) 730-9500 Mapping/Directions
CLEVELAND HOME HEALTH AGENCY INC	No	105 T R HARRIS DRIVE SHELBY, NC 28150 (704) 487-5225 Mapping/Directions



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[Oxygen](#)

There is **0** participating and **6** non-participating Oxygen suppliers in **LINCOLN County, North Carolina.**

[Sort By Name](#) ▲ [Sort By Participating](#) ▲

Name	Participating?	Location
AMERICAN HOMEPIRIENT OF UNIFOUR LLC	No	501 ISLAND FORD RD MAIDEN, NC 28650-8741 (828) 428-9932 Mapping/Directions
BROOKINS INC	No	626 CENTER DR LINCOLNTON, NC 28092-3712 (704) 735-2556 Mapping/Directions
CENTER PHARMACY OF	No	



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[Oxygen](#)

There are 3 participating and 6 non-participating Oxygen suppliers in IREDELL County, North Carolina.

[Sort By Name](#) ▲ [Sort By Participating](#) ▲

Name	Participating?	Location
C W MEDICAL INC	Yes	714C CAROLINA AVE YADKINVILLE, NC 27055-7760 (336) 849-0128 Mapping/Directions
CAROLINA PHARMACY SERVICES	No	207A ASH ST YADKINVILLE, NC 27055-6869 (336) 677-5000 Mapping/Directions
DAVIE MEDICAL	No	



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[Oxygen](#)

There is **0** participating and **4** non-participating Oxygen suppliers in **ROWAN County, North Carolina.**

[Sort By Name](#) ▲ [Sort By Participating](#) ▲

Name	Participating?	Location
AMERICAN HOMEPAIENT INC & SUBS	No	1704 W INNES ST SALISBURY, NC 28144-2552 (704) 633-8333 Mapping/Directions
INNES STREET DRUG CO INC	No	2 Locations Found
ROWAN MEDICAL	No	126 STATESVILLE BLVD SALISBURY, NC 28144-2312 (704) 637-0151



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[Oxygen](#)

There is **0** participating and **2** non-participating Oxygen suppliers in **STANLY County, North Carolina.**

[Sort By Name](#) ▲ [Sort By Participating](#) ▲

Name	Participating?	Location
ALLIANCE MEDICAL INC	No	907 N 2ND ST ALBEMARLE, NC 28001-3317 (704) 983-5644 Mapping/Directions
LINCARE INC	No	746 N 2ND ST STE A2 ALBEMARLE, NC 28001-3368 (704) 986-4342 Mapping/Directions



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[Oxygen](#)

There is 1 participating and 5 non-participating Oxygen suppliers in **CHEROKEE County, South Carolina.**

[Sort By Name](#) ▲ [Sort By Participating](#) ▲

Name	Participating?	Location
CASH AND HENDERSON DRUGS INC	No	102 S ALABAMA AVE CHESNEE, SC 29323-1502 (864) 461-2314 Mapping/Directions
LINCARE INC	No	2956 E MAIN STREET EXT SPARTANBURG, SC 29307-1252 (630) 530-4635 Mapping/Directions



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[Oxygen](#)

There is **0** participating and **7** non-participating Oxygen suppliers in **LANCASTER County, South Carolina.**

[Sort By Name](#) ▲ [Sort By Participating](#) ▲

Name	Participating?	Location
AMERICAN HOMEPAIENT INC	No	106 N WOODLAND DR STE A LANCASTER, SC 29720-4790 (803) 285-6755 Mapping/Directions
FORT MILL PHARMACY INC	No	601 SPRINGCREST DR FORT MILL, SC 29715-7314 (803) 548-2851 Mapping/Directions



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Note: All suppliers listed below are enrolled in Medicare. Participating Suppliers always accept **assignment**. Non-Participating suppliers do not have to accept assignment. **[Important Information about Participating and Non-Participating Suppliers.](#)**

[Oxygen](#)

There are **2** participating and **6** non-participating Oxygen suppliers in **CHESTERFIELD County, South Carolina.**

[Sort By Name](#) ▲ [Sort By Participating](#) ▲

Name	Participating?	Location
AMERICAN HOMEPATIENT INC	No	635 D S 5TH ST HARTSVILLE, SC 29550 (843) 383-8485 Mapping/Directions
BRIDGES & JAMES INC	No	154 MARKET ST CHERAW, SC 29520-2412 (843) 537-3221 Mapping/Directions
CHERAW HEALTHCARE INC	No	114 CHESTERFIELD HWY CHERAW, SC 29520-3002 (843) 537-5253 Mapping/Directions
CHESTERFIELD DRUG CO INC	Yes	139 MAIN ST CHESTERFIELD, SC 29709-1702 (843) 623-2632