



March 15, 2024

Andrew Beal
Acting Chief Executive Officer, Chief Operating Officer and Chief Legal Officer
National Association of Insurance Commissioners

Andrew Mais
President, NAIC
Commissioner, Connecticut Insurance Department

Jon Godfread
President-Elect, NAIC
Commissioner, North Dakota Insurance Department

Scott White
Vice President, NAIC
Commissioner, Virginia Bureau of Insurance

Elizabeth Dwyer
Secretary-Treasurer, NAIC
Director, Rhode Island Department of Business Regulation

Dear Mr. Beal, Commissioner Mais, Commissioner Godfread, Commissioner White, and Director Dwyer:

On behalf of the American Association for Homecare (AAHomecare), I am requesting prompt action to help durable medical equipment, prosthetics, orthotics and supplies (DMEPOS) providers continue operations during the unprecedented disruption of claims and payment processes for Change Healthcare.

AAHomecare is the national association representing DMEPOS suppliers, manufacturers, and other stakeholders in the homecare/home medical equipment community. Our members manufacture, distribute and provide medically necessary DMEPOS items and services to patients in their homes.

The ongoing disruption stemming from the February cyberattack on Change Healthcare is critically impacting DMEPOS suppliers across the nation. These suppliers operate at low margins following more than two decades of Medicare reimbursement reductions for DMEPOS, and many operate with less than 30-45 days of cashflow available at any given time. The options

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for companies facing this situation include not paying bills (including payroll), taking on debt, limiting or pausing patient care, or ceasing operations permanently; all of these choices come with painful side-effects threatening their continued viability and impacting employees, patients, and caregivers.

While advanced payment relief recently offered for Medicare Part B will provide a measure of support, Medicare payments represent approximately 30% of the average payer mix for DMEPOS suppliers. For some specialty practices, such as companies providing equipment and care to pediatric patients, the Medicare Part B component is negligible or non-existent.

We recommend the following approaches to minimize impacts on patient access to DMEPOS products and services until payment processes are fully restored:

- 1) Require Commercial payers to make advanced payments in a manner similar to the Medicare Part B advanced payments announced on March 9.
- 2) Require Commercial payers to extend timely filing deadlines to at least 120 days beyond the full Change Healthcare system restoration.

As we approach nearly three weeks of disruption to claims and payment process for healthcare providers and an uncertain timeline for full system restoration, healthcare providers are facing more than one month without income from significant payer cohorts. Expediting advanced payments across the full scope of Medicare, as well as for Medicaid, and Commercial payers is critically needed to prevent long-term damage to DMEPOS and physician cornerstones of the healthcare continuum.

On behalf of DMEPOS suppliers and the millions of Americans who depend on high-quality, home-based care, we ask that you advance these recommendations through regulatory action and/or influence with State policymakers.

The health and well-being of patients, suppliers, caregivers, and clinicians are at stake, and we must collectively work to mitigate the harm caused by this cyberattack. Thank you for your leadership in ensuring that patients have access to the care they need, even in the face of adversity.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Ryan". The signature is fluid and cursive, with a long horizontal stroke at the end.

Tom Ryan
President & CEO
American Association for Homecare