



April 26, 2022

Ms. Tamara Syrek Jensen
Director, Coverage and Analysis Group
Centers for Medicare & Medicaid Services
7500 Security Boulevard
Baltimore, MD 21244-1850

Re: Formal Request for Reconsideration of §280.1, Durable Medical Equipment Reference List: Positive and Negative Pressure Ventilators for Neuromuscular Disease, Thoracic Restrictive Disease, and Respiratory Failure Consequent to Chronic Obstructive Pulmonary Disease (COPD), National Coverage Determinations Manual, Publication 100-03, Part 4, Chapter 1

Dear Ms. Syrek Jensen,

The American College of Chest Physicians (CHEST) convened the Technical Expert Panel (TEP) meeting in October of 2020 including representatives from the American Academy of Sleep Medicine, the American Association for Respiratory Care, and the American Thoracic Society, to develop proposals for an NCD reconsideration related to the use of noninvasive ventilation across patient populations. Together, we represent over 80,000 clinicians who serve patients benefitting from access to these treatments. We understand that the TEP committee has already responded directly to Dr. Susan Miller of your Coverage and Analysis Group (CAG) regarding the issues to follow.

We thank CMS for the consideration and acceptance of a reconsideration of §280.1 of the National Coverage Determinations Manual (Pub. 100-03, Part 4, Chapter 1), submitted by the TEP regarding coverage of positive pressure ventilators as part of the Durable Medical Equipment Reference List. Our respective societies had been eager to see the Agency’s response to the TEP and were pleased that CMS had accepted the NCD reconsideration request for patients with COPD.

We understand that pursuant to the August 2013 Federal Register Notice, the CMS Coverage and Analysis Group is postponing any action. Acknowledging that there are several resource restraints and competing priorities, we respectfully urge CMS to provide a general estimated timeline for CAG’s reconsideration for COPD.

We are looking forward to joining members of the TEP in forthcoming discussion with Susan Miller to discuss both the timing and recommended approach related to COPD. Further, we request a separate meeting to better understand what disqualified the remaining areas. Please let us know when a discussion can be scheduled for this purpose.

We look forward to your reply.

Sincerely,

David Schulman, MD, MPH, FCCP
President, American College of Chest Physicians

Raman K. Malhotra, MD
President, American Academy of Sleep Medicine

Sheri Tooley BSRT, RRT, RRT-NPS, AE-C, CPFT, FAARC
President and CEO 2021-2022, American Association for Respiratory Care

Lynn Schnapp, MD, ATSF
President, American Thoracic Society