



Medicare Competitive Acquisition Ombudsman

2010 Report to Congress

Medicare Durable Medical Equipment,
Prosthetics, Orthotics, and Supplies
Competitive Bidding Program

June 1, 2012



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LIST OF ACRONYMS AND ABBREVIATIONS

Acronym	Term
ABN	Advance Beneficiary Notice
CAO	Competitive Acquisition Ombudsman
CBA	Competitive Bidding Area
CBIC	Competitive Bidding Implementation Contractor
CBITS	Competitive Bidding Inquiry Tracking System
CCOG	Call Center Operations Group
CM	Center for Medicare
CMS	Centers for Medicare & Medicaid Services
CO	Central Office
DME MAC	Durable Medical Equipment Medicare Administrative Contractor
DMEPOS	Durable Medical Equipment, Prosthetics, Orthotics, and Supplies
IMT	Information Management Tool
MAC	Medicare Administrative Contractor
MAISTRO	Medicare Administrative Issue Tracker & Reporting of Operations
MIPPA	Medicare Improvements for Patients and Providers Act of 2008
MSA	Metropolitan Statistical Area
NSC	National Supplier Clearinghouse
OEABS	Office of External Affairs and Beneficiary Services
OMO	Office of the Medicare Ombudsman
PAOC	Program Advisory and Oversight Committee
PSC	Program Safeguard Contractor
RO	Regional Office
SHIP	State Health Insurance Assistance Program
SME	Subject Matter Expert
ZPIC	Zone Program Integrity Contractor

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MESSAGE FROM THE COMPETITIVE ACQUISITION OMBUDSMAN

“It was once said that the moral test of government is how that government treats those who are in the dawn of life, the children; those who are in the twilight of life, the elderly; and those who are in the shadows of life, the sick, the needy and the handicapped.”

— Hubert H. Humphrey

I am pleased to present the Medicare Competitive Acquisition Ombudsman’s (CAO) 2010 Annual Report to Congress as required by Section 154(b)(3) of the Medicare Improvements for Patients and Providers Act of 2008 (MIPPA).

As part of a newly established ombudsman office within the Centers for Medicare & Medicaid Services (CMS), the CAO has been charged by Congress with responding to inquiries and complaints made by suppliers and individuals relating to the application of the Durable Medical Equipment, Prosthetics, Orthotics, and Supplies (DMEPOS) Competitive Bidding Program. This Program went into effect for more than 500,000 beneficiaries on January 1, 2011, with the goal of changing the amount Medicare pays for DMEPOS items and services. The CAO plays a vital role in ensuring that Agency processes respond effectively to inquiries and complaints about the Program and notifying the Agency of any potential systemic issues that may affect beneficiary access to quality DMEPOS items and services.

During the initial implementation of the Competitive Bidding Program, we have seen the successful transition to a new payment approach which promises substantial savings to the Medicare Program and beneficiaries.

The efforts of the CAO in 2010 included enhancing existing response mechanisms and establishing new frameworks for monitoring and reporting on Program-related issues and concerns for the Round One Rebid implementation in 2011. In addition, the CAO supported CMS’ efforts to prepare Medicare stakeholders for Program implementation by participating in meetings with internal and external partners to develop a comprehensive strategy for communicating Program information and inquiry and complaint responses. Working within the Office of the Medicare Ombudsman (OMO), the CAO collaborated with CMS’ policy components, met with external stakeholders regarding Program implementation, assessed and documented DMEPOS Competitive Bidding complaint processes, developed an issues management and trending framework, and formulated a communications strategy. A Web page providing access to this important ombudsman resource was made available immediately following the announcement of contract awards on November 3, 2010, at: https://www.cms.gov/DMEPOSCompetitiveBid/01A2_Competitive_Acquisition_Ombudsman.asp.

This Report to Congress details efforts to establish the operational functions of the CAO, including facilitating enhanced integration of Agency systems and processes, and documenting procedures for responding to suppliers and beneficiaries in a single manual. We are committed to providing quality responses to suppliers’ and individuals’ inquiries and complaints about the application of the Competitive Bidding Program and ensuring access to important Program information to enhance their understanding of it.

We will continue collaborating within CMS to identify any emerging issues and facilitate resolution of potential systemic problems as the DMEPOS Competitive Bidding Program moves forward.

Tangita Daramola
Medicare Competitive Acquisition Ombudsman

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EXECUTIVE SUMMARY

CMS completed its supplier contracting activities in the Fall of 2010 and announced supplier contract awards for the Round One Rebid of the DMEPOS Competitive Bidding Program on November 3, 2010. Throughout 2010, while suppliers in the nine Competitive Bidding Areas (CBAs) were readying themselves to provide products and services to beneficiaries on January 1, 2011, the CAO engaged with other CMS components to prepare for Program implementation.

The CAO is organizationally situated within the OMO at CMS and is uniquely charged with responding to inquiries and complaints from both suppliers and individuals regarding the application of the DMEPOS Competitive Bidding Program. In 2010, the CAO continued its 2009 efforts to establish operational readiness to fulfill its mission and to help the Agency maintain awareness of potential systemic issues with the Competitive Bidding Program. Two of its most important efforts were aimed at strengthening Competitive Bidding Program inquiry and complaint processes and enhancing data reporting mechanisms, which are vital to assess the Program's success.

This report organizes the CAO's 2010 activities under three sections. The first, Readiness Preparation, describes CAO activities associated with developing and/or documenting:

- Inquiry and Complaint Handling Processes,
- Program Monitoring Data Reporting Processes,
- Caseworker Trainings,
- Stakeholder Engagement, and
- Issues Management and Reporting Processes.

The second section, Demographic Research and Qualitative Scoping, describes CAO efforts to identify beneficiary characteristics and perceptions about the DMEPOS Competitive Bidding Program in the nine Round One Rebid CBAs. The third section, Inquiry and Complaint Response, describes the CAO's responses to inquiries and complaints received during 2010.

The CAO's activities provide direct benefit to DMEPOS suppliers and individuals by strengthening customer service processes that assist them in transitioning smoothly into the DMEPOS Competitive Bidding Program. Ensuring that processes for effective inquiry and complaint responses to suppliers and individuals are in place also supports the Agency's overall Program implementation efforts. The CAO provides additional value to CMS by facilitating its efforts to gather data, which can be used to identify potential challenges to successful Program implementation.

During 2010, the CAO responded to specific supplier inquiries and complaints regarding the application of the Competitive Bidding Program by coordinating efforts to provide ongoing education for customer service representatives, beneficiary-focused information on grandfathering, general information on novation agreement requirements during changes in ownership, specific guidance on the role of subcontractors, and ongoing supplier education materials and calls. All supplier issues were reported to CMS leadership via appropriate pathways to support Agency strategies for improving Program implementation.

Round Two will expand the Program to 91 additional Metropolitan Statistical Areas (MSAs), significantly increasing the number of suppliers and beneficiaries affected. CMS will also conduct a national mail-order competition for diabetic testing supplies at the same time as Round Two. In addition to continuing to serve as a conduit for stakeholder feedback regarding the Competitive Bidding Program, the CAO aims to identify areas of the inquiry and complaint response processes to refine for enhanced effectiveness. In the coming year, the CAO will focus on refining these processes to ensure they are able to support Program expansion while continuing to assist the Agency in identifying potential systemic issues and strategies to improve Program implementation.

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THE YEAR IN REVIEW

Introduction

The CAO's mission is to provide quality responses to DMEPOS suppliers and individuals and unbiased reporting to Congress. In keeping with the role of an ombudsman, the CAO also facilitates Program improvement by collaborating with other CMS components to identify potential systemic issues with the goal of improving beneficiary access to and supplier provision of quality DMEPOS items and services.

During 2010, CMS completed bid evaluation and contracting activities. On November 3, 2010, CMS announced supplier contract awards for the Round One Rebid phase of the DMEPOS Competitive Bidding Program. While CMS was completing contract supplier selection, it was conducting multiple activities to prepare both its internal processes and external participants for full Program implementation. The Agency not only enhanced its ability to conduct contract supplier oversight and monitoring during Program implementation, but also developed and implemented education plans for suppliers, referral agents, and beneficiaries who would be affected by the Program.

The CAO supported CMS' pre-implementation activities by collaborating with internal and external partners to build an organizational environment for identifying and addressing Competitive Bidding Program inquiries and complaints. One such effort was to engage CMS' customer service components in developing a triage process to handle Program inquiries and complaints. This framework was then documented and communicated to frontline caseworkers and customer service representatives to help them provide quality responses to Medicare beneficiaries, referral agents, DMEPOS suppliers, and other individuals affected by the Program.

The CAO also collaborated with CMS' Partner Relations Group to engage advocacy organizations in discussing concerns about the Program. The CAO successfully engaged the beneficiary advocacy community in two Partner Feedback Forums and the supplier advocacy community in the first of several planned Supplier Listening Sessions, which included representatives of contract, non-contract, and grandfathered suppliers. The CAO delivered the results of these discussions to CMS' policy, communications, and customer service components at regular meetings to provide input for potential Program improvements.

Throughout 2010, the CAO participated in outreach activities such as conferences and meetings to educate and engage a wide variety of stakeholders about the Competitive Bidding Program. The CAO also responded to questions and concerns about the Program which arose in the legislative and public policy environments. In addition, the CAO gave presentations to Agency leadership, the Program Advisory and Oversight Committee (PAOC), and national and regional supplier and beneficiary advocacy groups.

The environment in which the CAO operates is consistent with the overall mission and long-term strategic plan of CMS. The CAO coordinates its specific activities with the broader timelines, strategies, and priorities which CMS has developed to implement the DMEPOS Competitive Bidding Program. Foremost among the CAO's many objectives in 2010 were to:

- Communicate its role and the processes by which suppliers and individuals can receive responses to inquiries and complaints;
- Ensure that CMS inquiry and complaint handling processes for the DMEPOS Competitive Bidding Program were defined, documented, and communicated within the Agency; and

Mission:

Provide quality responses to DMEPOS suppliers and individuals and unbiased reporting to Congress.

Vision:

Ensure timely responses to supplier and individual inquiries and complaints and gather and report to the Agency inquiry and complaint data that can be used to improve the Competitive Bidding Program.

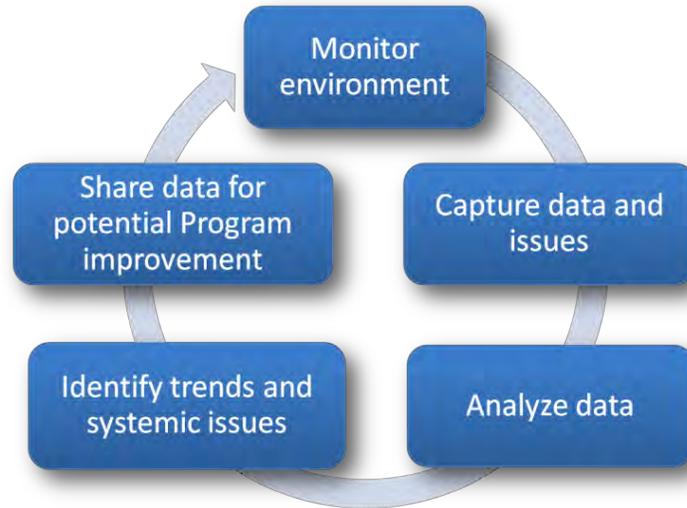
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- Establish data reporting strategies to monitor Program implementation and provide CMS with increased capability to identify potential systemic issues and opportunities for Program improvement.

Figure 1 illustrates how the CAO’s processes contribute to a continuous cycle of Program improvement in which the CAO monitors the environment to capture data and issues, analyzes the data to identify trends and potential systemic issues, and shares that data with CMS leadership.

Figure 1. CAO Support of Program Improvement



In addition to responding to inquiries and complaints, the CAO supports CMS’ efforts to communicate Program information and to identify and mitigate potential impediments to successful Program implementation. The CAO facilitates understanding of the Program by communicating regularly with external organizations and raising their concerns about Program implementation to the appropriate Agency component (see Table 1). In performing these core functions, the CAO assists CMS in ensuring that suppliers and individuals have timely access to relevant Program information and that the Agency has the opportunity to make Program improvements based on analyses of related data and feedback from partners.

Table 1. Core Functions of the CAO

Respond	Respond to suppliers’ and individuals’ inquiries and complaints about the DMEPOS Competitive Bidding Program.
Communicate	Provide an Annual Report to Congress that details CAO activities, identifies potential systemic issues, and makes appropriate recommendations for improvements. Maintain a Web site with information on inquiry and complaint processes.
Manage Risk	Proactively identify potential challenges to successful Program implementation and offer strategies to address potential questions.
Facilitate	Facilitate understanding of the Program by communicating regularly with partner organizations and raising their concerns about Program implementation to the appropriate Agency component.

Activities of the CAO

During 2010, the CAO successfully implemented a number of initiatives to prepare to carry out its mission of providing quality responses to DMEPOS suppliers and individuals affected by the Competitive Bidding Program. These efforts supported CMS' pre-implementation strategies by enhancing Agency identification of potential challenges to successful Program implementation. The CAO helped ensure that a viable inquiry and complaint response network was in place, assisted in training customer service representatives, and developed a reporting mechanism for inquiries and complaints. These were essential elements for assessing the Program's success. The following section describes the CAO's readiness preparation efforts related to customer service triage development, data collection and reporting, caseworker training, stakeholder engagement, and issues management.

Readiness Preparation

During 2010, the CAO refined processes that had been put in place in the previous year. The CAO worked collaboratively to facilitate and document activities across CMS customer service components to ensure an effective inquiry and complaint response network was in place.

Inquiry and Complaint Handling Processes

As part of CMS' pre-implementation strategies to build operational readiness during 2010, the CAO successfully facilitated awareness and agreement among Agency components regarding handling the new workload of DMEPOS Competitive Bidding Program inquiries and complaints. In these efforts, the CAO worked collaboratively with CMS customer service components, including 1-800-MEDICARE, the Competitive Bidding Implementation Contractor (CBIC), CMS Regional Offices (ROs), CMS Central Office (CO), State Health Insurance Assistance Programs (SHIPs), National Supplier Clearinghouse (NSC), Zone Program Integrity Contractors/Program Safeguard Contractors (ZPICs/PSCs), Medicare Administrative Contractors (MACs), and Durable Medical Equipment Medicare Administrative Contractors (DME MACs). The focus of these collaborative efforts was to ensure that a reliable triage framework was defined, documented, and communicated to frontline caseworkers and customer service representatives (see Figure 2). This was necessary to ensure that suppliers and individuals received quality responses to their inquiries and complaints about the Program. Once the specific processes were determined, it was possible to identify data sources from which to capture metrics for Program monitoring.

Figure 2. Points of Contact and the Flow of Program Inquiries and Complaints



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As part of establishing these inquiry and complaint triage processes, CMS customer service components were surveyed to determine how beneficiary inquiries and complaints were currently routed, reported, and resolved. On November 17, 2010, the CAO convened the DMEPOS Competitive Bidding Partner Surveillance Meeting with representatives from the ROs, CBIC, SHIPs, Center for Medicare (CM), and the Office of External Affairs and Beneficiary Services (OEABS). This meeting was designed to facilitate discussion regarding data sharing and partner surveillance strategies and propose a series of regular meetings to share information regarding the DMEPOS Competitive Bidding Program implementation. Processes were established regarding data sharing, duplication issues, information that should be captured and shared, the frequency of proposed surveillance meetings, and additional participants for future discussions.

Key CAO accomplishments to establish inquiry and complaint handling processes included:

- Facilitating agreement between customer service components on how inquiries and complaints will be triaged and handled;
- Clarifying criteria for escalating cases to the CBIC and DME MACs;
- Clarifying SHIP casework protocols for 'urgent-' and 'immediate-need' cases and where these cases should be forwarded for prompt resolution; and
- Documenting all handling and escalation processes in a 44-page Customer Service Triage Guide for DMEPOS Competitive Bidding Inquiries and Complaints.

The primary point of contact for beneficiary inquiries is 1-800-MEDICARE. Beneficiaries can also contact their local SHIP Office, the ROs, or the CO for one-on-one counseling and assistance. If customer service staff at 1-800-MEDICARE cannot answer a question, the call is transferred to a caseworker or the appropriate segment for response. For example, when a beneficiary has multiple related questions, forwarding the call to a caseworker is often the most helpful option. If a beneficiary has a complaint about a supplier, his or her complaint is escalated to the CBIC, which explores the issue. In most of these cases, such complaints can be resolved by a call between the supplier and a CBIC representative.

Suppliers submit inquiries and complaints through the CBIC or the ROs, where processes are established to document and respond to them. The CAO worked with the CBIC throughout the year to integrate its Competitive Bidding Program inquiry and complaint handling processes with CMS' established customer service processes. The CBIC has a toll-free Help Desk, Web site, and representative within each of the CBAs to provide assistance to suppliers and address their concerns, complaints, and questions. Standard operating procedures and quality work instructions are in place to address complaints and/or problems, and all inquiries, complaints, and concerns are loaded into the Competitive Bidding Inquiry Tracking System (CBITS). Use of the CBITS ensures that inquiries and complaints are resolved in a timely and accurate manner and these data are reported to CMS.

The CAO also directly responds to inquiries and complaints from suppliers about the application of the DMEPOS Competitive Bidding Program. Suppliers may submit an inquiry or complaint to the CAO through the CBIC using the "Contact Us" link on the CBIC Web site at www.dmecompetitivebid.com or through the toll-free telephone number (877) 577-5331. Suppliers' specific inquiries and complaints may potentially inform Program process improvement by guiding CMS to direct and the CAO to facilitate enhanced education about specific Program issues which may affect the supplier community.

Under the inquiry and complaint response framework, the CAO works to identify root causes of inquiries and complaints in order to inform the Agency of potential systemic issues and facilitate Program improvements. For general inquiries or complaints submitted to the CAO, the CAO investigates the issue and follows up with the supplier or individual to ensure a timely response. The CAO also loads the issue in the CAO Information Management Tool (IMT), which is designed to track inquiry and complaint information for the purpose of providing reports to CMS and other stakeholders. The CAO tracks all open inquiries and complaints regarding the Competitive Bidding Program until resolution. The CAO holds regular meetings with CM and the CBIC to discuss the inquiries and complaints

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received. In addition, the ROs notify the CAO and CMS leadership of any systemic issues that might present challenges to particular beneficiary populations.

The CAO also held meetings with CM and the CBIC to clarify and document how inquiries and complaints about the Program would be communicated to the CAO. All Program monitoring and inquiry and complaint resolution processes and agreements are documented in the Customer Service Triage Guide for DMEPOS Competitive Bidding Inquiries and Complaints. This guide comprehensively describes the triage process that was established to efficiently route, report, and resolve Competitive Bidding Program inquiries and complaints and enhance the customer service experience.

Throughout 2010, the CAO worked to communicate the overall customer service process for the DMEPOS Competitive Bidding Program to suppliers and individuals. These communications occurred via multiple avenues including electronic communications and mailings of printed materials such as the Inquiry and Complaint Fact Sheet (see Appendix One).

Program Monitoring Data Reporting Processes

The CAO took a leading role in compiling Competitive Bidding Program data regarding inquiries and complaints from multiple sources and making it easily accessible to other Agency components. This information is reviewed by Agency leadership to facilitate Program improvements, inform outreach efforts, and aid in formulating strategies to address any challenges to successful Program implementation.

Multiple CMS components handle Medicare inquiries and complaints and each handles data for its area. The CAO collaborated with the OMO and the Call Center Operations Group (CCOG) to develop a strategy which incorporated all data sources into an Agency-wide view of public inquiries and complaints about the Competitive Bidding Program. The CAO also took a leading role in making the resulting Program data reports available to all appropriate Agency components.

The CAO worked with the OMO, CCOG, and other CMS components to develop operational goals and metrics for Program monitoring from select inquiry and complaint data captured by customer service components. To this end, the CAO worked to capture and report key Program metrics that could be used to assess issues of potential concern, including:

- Access – Beneficiary access to products/services;
- Quality – Quality of bid items;
- Transition – Problems experienced by beneficiaries as they transition into the Program; and
- Customer Service – Timeliness of responses to inquiries and complaints.

After developing operational goals and defining associated metrics on Program topics, a secure, central location for storing inquiry and complaint data was established that would be accessible to all appropriate customer service components. This collaborative work between the CAO and other data reporting and Program monitoring components at CMS helped increase the usefulness of these reports to the Agency.

The CAO performed rapid analyses of these data to look at trends from week to week and met regularly with the CBIC and representatives from 1-800-MEDICARE to discuss the nature and substance of inquiries and complaints being received. Weekly analyses allowed the CAO to look closely at issues such as access, quality, transition, and customer service related to the Competitive Bidding Program. Among the benefits of this continuous monitoring and reporting process is that it allowed escalated issues to be highlighted for greater attention and trends to be tracked by specific inquiry and complaint categories.

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The CAO unified data from multiple CMS sources into eight succinct, real-time reports in order to (1) be better prepared to respond to inquiries and complaints from suppliers and individuals; and (2) to facilitate Agency strategies for Program improvement.

The internal reporting processes which were established for the Competitive Bidding Program call for Program data to be collected and posted to the Department of Health and Human Services (HHS) portal, an internal shared document tool. The CAO provides reports, which include inquiry and complaint highlights and trends, directly to leadership.

Data monitoring and reporting efforts that the CAO facilitates make a valuable contribution to CMS' strategies to track challenges and successes associated with Program implementation. In addition, they fulfill a goal the CAO set forth in its 2009 Report to Congress – to create an internal data-reporting tool which allows for effective identification of DMEPOS Competitive Bidding Program issues and closer collaboration with surveillance partners. As implementation progresses and we move toward Round Two, the CAO will continue assisting the Agency in defining the best processes for rapidly identifying any widespread or recurrent Program inquiries and complaints, and reporting this information as appropriate.

Caseworker Training

In order to provide quality responses to inquiries and complaints, it is important to ensure adequate knowledge among those staff at the front line. An early CMS analysis of readiness identified the need for consistent training of RO and CO caseworkers. The Agency recognized a valuable opportunity to enlist CAO resources in developing a standardized training model to coordinate content and activities across its national network of caseworkers.

The CAO responded to this identified need for specialized DMEPOS Competitive Bidding Program training by leveraging Agency resources to develop a comprehensive, national training for RO and CO caseworkers. This standardized training model has additional long-term value for the Agency as it can be adapted for use with other programs.

As part of its training model development efforts, the CAO successfully facilitated agreement with multiple Agency components, including the OMO, CM, and ROs, to train caseworkers. The four core training modules developed contain consistent messaging for caseworkers to ensure they have the necessary knowledge to provide quality responses to suppliers and individuals affected by the Competitive Bidding Program. These four core training modules were:

- Module 1: DMEPOS Competitive Bidding Training Program Overview;
- Module 2: Supplier 101;
- Module 3: DMEPOS Competitive Bidding Training Program – The Products; and
- Module 4: Beneficiary Rights and Protections.

Between November 2 and December 14, 2010, seven facilitated classroom trainings were conducted for CO caseworkers at the CMS Employee Development Center and eight webinars were conducted for RO caseworkers across the nation. Overall, more than 100 Agency staff were trained using modules that incorporated interactive adult learning techniques to reinforce key concepts in this short period of time.

Training modules were developed from existing materials with input from subject matter experts (SMEs). In addition to training sessions, CO and RO participants received handouts, job aids, and slides containing Competitive Bidding Program information for future use.

In 2010, over 100 CMS customer service staff received a four-module training about the DMEPOS Competitive Bidding Program to prepare them to provide quality responses to suppliers and individuals.

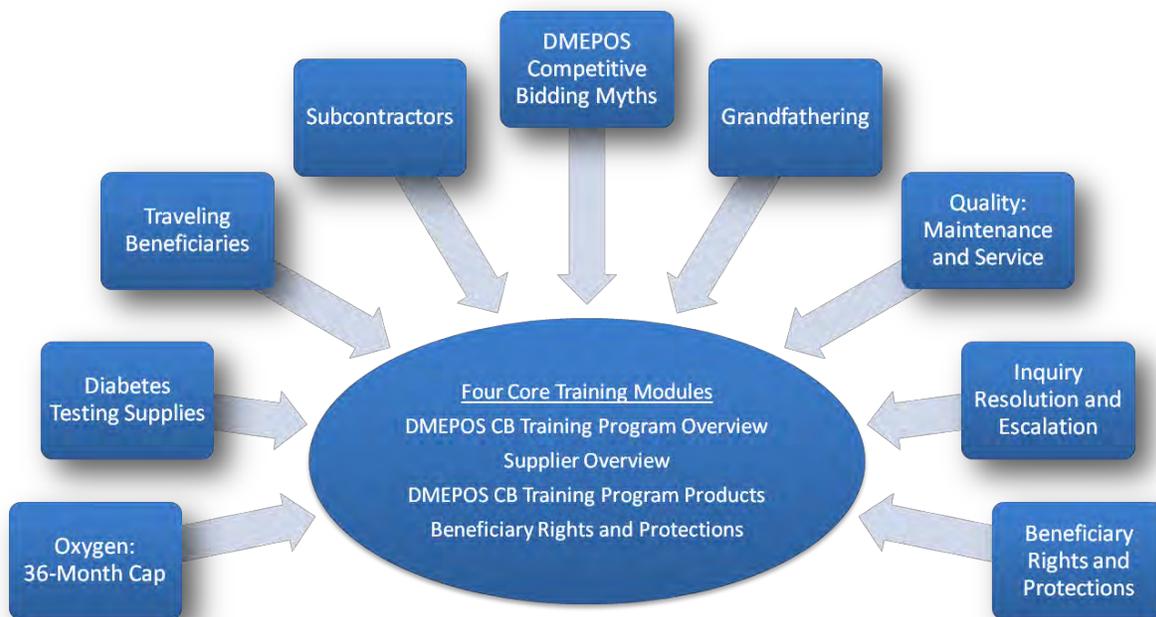
Pre- and post-training assessments show that participants were more knowledgeable and perceived themselves to be more able to assist beneficiaries and suppliers with questions and complaints after completing the training.

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Figure 3, below, shows content that was included in the four core caseworker training modules.

Figure 3. Caseworker Training Module Content



Comparisons of pre- and post-training assessments show that the participants were more knowledgeable and perceived themselves to be more able to assist beneficiaries and suppliers with their concerns, questions, and complaints after completing the training.

With ongoing training, all customer-facing entities will continue to have complete, accurate information about the DMEPOS Competitive Bidding Program and timely access to updates. It is expected that this comprehensive, standardized training model will be more efficient for the Agency and will support CMS' other efforts to smoothly transition beneficiaries and suppliers into the Program.

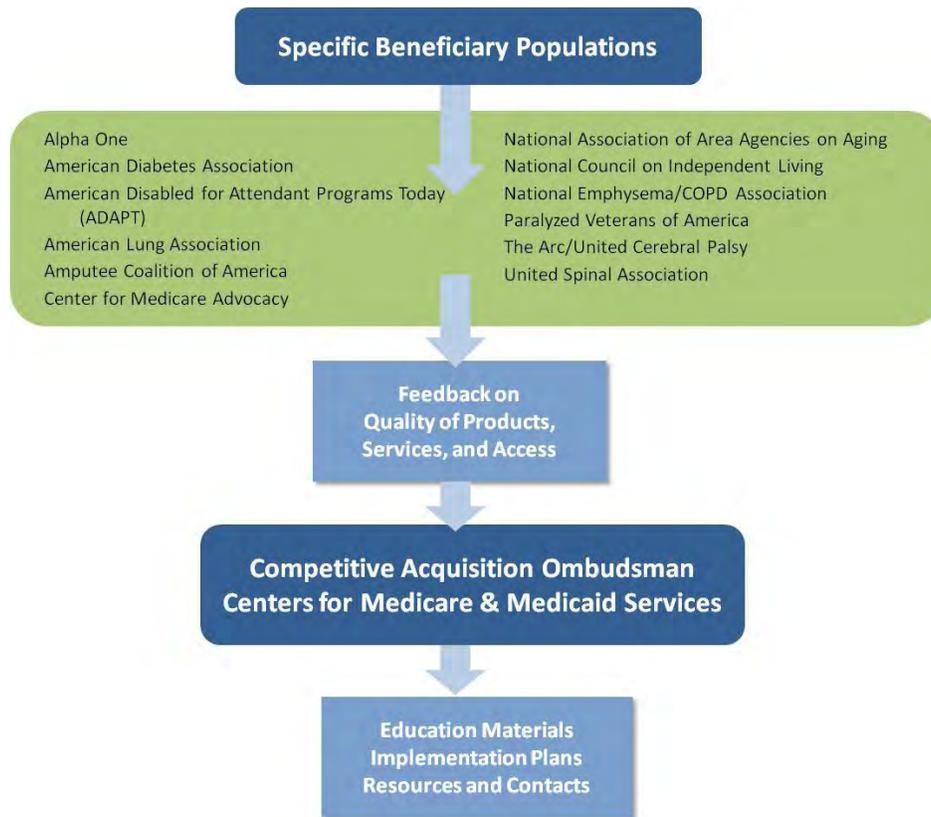
Stakeholder Engagement

Engaging stakeholders is an essential component in CMS' multi-pronged strategy for educating Medicare beneficiaries and suppliers about the Competitive Bidding Program. External partners can provide 'real-time' feedback on various Agency educational strategies and assist in monitoring the effectiveness of CMS' outreach communications to their constituents (see Figure 4).

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Figure 4. Collaborations with External Partner Organizations



The Agency's overall educational strategy employed multiple approaches, including direct and indirect outreach to beneficiaries. A major aspect of these efforts was conducting Program education through partner organizations at the national and local levels. The CAO contributed to this effort by:

- Cultivating CMS' external network of beneficiary and supplier advocacy groups;
- Giving national- and local-level presentations; and
- Responding to specific concerns as they arose.

The CAO recognized the importance of hearing directly from individuals and suppliers about how DMEPOS policies and processes affect them. In 2010, the CAO participated in outreach activities designed to prepare it to respond to inquiries and complaints that might arise during Program implementation.

Specifically, CAO efforts aimed to promote stakeholder knowledge about the DMEPOS Competitive Bidding Program and enhance the CAO's perspective on issues facing suppliers and individuals affected by it. These activities included:

- Joining CM on a site visit to a DMEPOS beneficiary's home;
- Convening two Partner Outreach and Feedback Forums for the beneficiary advocacy community;
- Planning Supplier Listening Sessions with the supplier advocacy community;
- Making presentations and responding to questions about the Program at conferences and meetings attended by national and regional stakeholders;
- Participating in Program Advisory and Oversight Committee

The CAO facilitated improved Agency understanding of beneficiary issues by joining a PAOC member and staff from the CM policy group in visiting the home of a DMEPOS beneficiary to hear his concerns about the Competitive Bidding Program.

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(PAOC) meetings; and

- Attending select beneficiary advocacy organizations' conferences, meetings, and calls.

The CAO successfully facilitated two Partner Outreach and Feedback Forums in 2010 at which representatives from beneficiary advocacy organizations discussed concerns, shared information, and contributed input on some of CMS' planned educational strategies. The Forums supported CMS' efforts to proactively identify pre-implementation beneficiary concerns about DMEPOS quality, service, and access and contributed valuable feedback on Agency outreach strategies.

On June 23, 2010, participants from the United Spinal Association, National Spinal Cord Injury Association, American Diabetes Association, Center for Medicare Advocacy, American Disabled for Attendant Programs Today (ADAPT), Paralyzed Veterans of America, National Council on Aging, and the National Council on Independent Living attended the first Partner Outreach and Feedback Forum. Participants heard from CMS specialists and advisors who provided an update on Competitive Bidding and invited them to review specific Program education materials (Beneficiary Tri-Fold, Beneficiary Booklet, and DMEPOS Partner Toolkit) to provide their perspective and input. A second Partner Outreach and Feedback Forum was held on October 27, 2010. In addition to receiving another Program update, partners were invited to share their planned outreach strategies and provide input on an approach to help CMS capture real-time data from the field about the Program's effects on beneficiaries. They also learned how feedback from the June forum had helped shape the Agency's Program education materials. Partners actively participated at both meetings by voicing their concerns, asking questions, and sharing ideas with the CAO.

Regular engagement with partners supports CMS' efforts to gain further penetration at the local level and with specific beneficiary groups. For example, the 'advance review' of CMS' beneficiary materials at the June 23rd Partner Feedback Forum helped partners plan parallel educational efforts to reinforce the information that was most relevant to their constituents.

In response to inquiries at Feedback Forums, the CAO met with representatives from the American Diabetes Association to discuss how Program requirements could affect their constituents' ability to receive mail-order diabetes supplies. The CAO also takes every opportunity to encourage partners to use CMS' 'drop-in articles' which can be tailored to fit into their own communication materials.

The CAO supported CMS' Program assessment strategy by collaborating internally to establish mechanisms for obtaining partner input. The CAO worked with CMS' Partner Relations Group to develop a Partner Surveillance Form for gathering direct feedback on partners' experiences with DMEPOS under the Competitive Bidding Program. This leverages the fact that partner organizations in the disability community have regular contact with thousands of Medicare beneficiaries living in many types of settings. These organizations routinely exchange information with their constituents via call centers, Web sites, face-to-face interactions, and Listservs, which provides an opportunity for information from CMS to be integrated into their communications.

As with partner outreach efforts, the CAO supports CMS' strategies to ensure DMEPOS suppliers understand what is required of them to fulfill their obligation to serve beneficiaries. The CAO reached out to suppliers regarding their questions and concerns about the Competitive Bidding Program through printed materials, calls, face-to-face

Key suggestions from Partner Outreach and Feedback Forums were:

- **Distribute Program information earlier**
- **Ask for partner input on materials before distributing**
- **Ensure consistent messaging in all materials**
- **Develop multi-lingual materials**
- **Improve Web site tools and content**
- **Improve information about 'grandfathered' suppliers**
- **Improve information about how the Program affects mail-order diabetes supplies**
- **Emphasize that beneficiaries with inquiries should call 1-800-MEDICARE**

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discussions, and conference presentations. Through these outreach strategies, the CAO was able to respond directly to supplier concerns and, when appropriate, raise those concerns to other CMS components.

In early Fall of 2010, the CAO met with representatives from the American Association for Homecare, a national organization representing home medical equipment and supply companies, to establish a series of Supplier Listening Sessions with their constituents. These Listening Sessions aim to give suppliers a forum for discussing their concerns and questions about the Competitive Bidding Program. The first of these sessions was held by conference call on January 11, 2011 and was attended by representatives from thirteen contract, non-contract, and grandfathered suppliers in the Round One Rebid MSAs.

The CAO participated in two Program Advisory and Oversight Committee (PAOC) meetings in 2010. Medicare is statutorily required to establish and administer a PAOC to provide advice on the development and implementation of the Competitive Bidding Program. Members of this committee represent large and small DMEPOS suppliers and manufacturers as well as beneficiaries. On March 17, 2010, the CAO reported on progress to refine inquiry and complaint handling processes, define and document complaint escalation processes, and ensure that all CMS components would interface smoothly around these processes. On November 22, 2010, the CAO participated in a PAOC call to provide updates regarding CAO activities to engage beneficiary advocates, stakeholders, and suppliers; establish standard operating processes; facilitate caseworker training; and post Program complaint processes on the cms.gov Web site.

Feedback gathered by all of the efforts described above supports Agency strategies to ensure that beneficiaries transition smoothly into the Competitive Bidding Program and that suppliers meet their obligations. The CAO and other CMS components continue meeting regularly to discuss how recent feedback can best be used to enhance Program implementation.

Issues Management and Reporting Processes

To prepare to identify potential issues with the Competitive Bidding Program, the CAO established and maintains a regular issues management process. The purpose of this process is to compile feedback from key sources such as Partner Outreach and Feedback Forums, stakeholder briefings, Supplier Listening Sessions, inquiry and complaint data reports, and media monitoring efforts to facilitate inquiry and complaint responses and any recommendations for improving the Competitive Bidding Program.

Reporting from this effort helps CMS to identify potential issues which may affect beneficiary access to quality DMEPOS items and services. This initiative fulfills one of the CAO's overall goals set out in its 2009 Report to Congress, which is to scan the environment to identify issues relating to the application of the Competitive Bidding Program.

Throughout 2010, the CAO reviewed, assessed, and analyzed media reports to better understand supplier and beneficiary concerns regarding the application of the DMEPOS Competitive Bidding Program. The top three concerns that arose in 2010 were that the Competitive Bidding Program would:

- Have a negative financial effect on DMEPOS suppliers;
- Reduce beneficiaries' access to DMEPOS products and services; and
- Reduce beneficiaries' services under Medicare.

The CAO responded to these concerns by investigating inquiries and complaints when possible and remaining actively engaged with supplier and beneficiary advocates during implementation.

The CAO conducted environmental scanning by monitoring multiple sources in which there were active discussions of the DMEPOS Competitive Bidding Program. These sources included media outlets, legislative arenas, and partner

The top three concerns in 2010 prior to Program implementation were:

- 1. Financial effect on suppliers**
- 2. Reduced beneficiary access**
- 3. Reduced beneficiary service**

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organizations. Inquiries, complaints, and concerns which arose were then captured, synthesized, analyzed, and reported. The CAO holds bi-weekly issues review meetings to identify issues and move through a six-step approach to manage them (see Table 2).

Table 2. Medicare CAO Issues Management Process

1. Identify	<ul style="list-style-type: none"> ▪ Issues are identified through several ‘Formal’ and ‘Informal’ mechanisms. <ul style="list-style-type: none"> – Formal mechanisms include regularly scheduled events/meetings and identified data systems sources. – Informal mechanisms include, but are not limited to, indirect or ad-hoc ways to identify issues: the Internet, news, and conversations.
2. Validate	<ul style="list-style-type: none"> ▪ Identified issues are determined to be ‘Valid’ or ‘Invalid’ and ‘Systemic’ or ‘Not Systemic.’ ▪ The root cause of an issue is identified and SMEs weigh in to validate its root cause.
3. Engage	<ul style="list-style-type: none"> ▪ Appropriate parties are involved in the issue early and often to help work it through to resolution. ▪ Contact is established and maintained with these parties to build the relationships necessary to help facilitate future issue resolution.
4. Monitor	<ul style="list-style-type: none"> ▪ Information on the status of a validated issue is maintained. ▪ Continuous engagement with SMEs is maintained to identify a solution.
5. Resolve	<ul style="list-style-type: none"> ▪ Issue resolution strategies that can be implemented are identified and brought to Agency leadership or the responsible component’s attention to facilitate a resolution.
6. Communicate	<ul style="list-style-type: none"> ▪ Resolution strategies and recommendations are communicated through different mechanisms to the appropriate audiences.

Issues management information is documented in bi-weekly reports, which are consolidated into quarterly reports and provide an effective overview of beneficiary and supplier concerns as well as a snapshot of the Agency’s complaint handling process. Regularly reporting issues gleaned from this process helps Agency leadership stay abreast of any emerging concerns and assists the CAO in fulfilling its mission of providing quality responses to individuals and suppliers.

This issues management process was developed over the course of 2010 and was continuously refined with input from other CMS components. As the Agency’s pre-implementation and implementation strategies moved forward, the CAO’s interactions with stakeholders increased and this process matured. This model provides a consistent framework for reporting to Agency leadership on Competitive Bidding Program progress and outcomes, and will be an integral component of the CAO’s future Reports to Congress.

Foreseeing the need to possibly manage a higher volume of issues during Round Two, the CAO engaged a health information technology contractor to develop technical specifications for an information management tool to automate tracking and reporting procedures associated with these processes. In this way, the CAO offers CMS increased visibility of systemic issues and other emerging concerns around the Program, which provides opportunities for improvement.

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Demographic Research and Qualitative Scoping

Early in 2010, the CAO engaged a research contractor (KRC Research, Weber Shandwick's research partner) to identify beneficiary characteristics and perceptions about the DMEPOS Competitive Bidding Program in the nine Round One Rebid MSAs. This information helped the CAO prepare to respond to the inquiries and complaints that might be likely to arise. In addition, it directly supported CMS' efforts to fine-tune its communication strategies for outreach to stakeholders affected by the Competitive Bidding Program.

Demographic research consisted of analyzing claims data submitted in 2008 to provide a snapshot of beneficiaries and the DMEPOS products they use. The information helped identify some of the types of stakeholders that could be affected by the Competitive Bidding Program (see box at right). It also helped identify product categories that were most likely to have issues requiring an inquiry or complaint response.

Qualitative scoping provided important feedback about the attitudes and perceptions of beneficiaries, caregivers, and referral agents who would be affected by the Round One Rebid of the Competitive Bidding Program. Referral agents generally include physicians and other healthcare providers, key administrative personnel in their offices, hospital discharge planners, social workers, and pharmacists who refer beneficiaries for DMEPOS items and services.

This scoping effort included conducting focus group discussions with Medicare beneficiaries (24) and their caregivers (18) as well as with referral agents (11) in four MSAs: Miami, Riverside, Pittsburgh, and Charlotte. The focus group sessions occurred before CMS initiated its intensive beneficiary education program. Key insights gleaned from the CAO's qualitative research effort included the following:

- Most of the beneficiaries in the focus groups were satisfied with the current system and feared that changes would reduce DMEPOS quality and/or increase out-of-pocket costs.
- Most of the beneficiaries in the focus groups relied on healthcare providers/referral agents to direct them to DMEPOS suppliers, and healthcare providers assisted if problems arose.
- Most providers got their information about obtaining DMEPOS products and services from DMEPOS suppliers.
- Individuals affected by the supply of DMEPOS items would like to receive information from CMS explaining the Competitive Bidding Program in simpler language (e.g., without terms like 'grandfathering' and acronyms like 'ABN' [Advance Beneficiary Notice]).

These results provided a valuable opportunity for CMS to gain perspective on the behaviors and attitudes of those affected by the DMEPOS Competitive Bidding Program and to identify potential issues. The Agency is also using these results to inform its Round Two assessment research. The CAO, in collaboration with CM, worked to develop viable options for determining the best dispersal strategy for additional local CBIC representatives when the Program expands from the current nine Round One Rebid MSAs into 91 additional Round Two MSAs.

The CAO's demographic study found that the Round One Rebid of the DMEPOS Competitive Bidding Program affected more than 500,000 beneficiaries:

- **84% are aged 65 or older**
- **58% are women**
- **40% live in Miami or Dallas**
- **23% are minorities**
- **26% use more than one Competitive Bidding product**
- **Mail-order diabetes testing supplies are the most widely used Program product**

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Inquiry and Complaint Response

One of the primary functions of the CAO is to respond to complaints and inquiries made by suppliers and individuals relating to the application of the Competitive Bidding Program. During initial Program implementation, the CAO responded to inquiries and complaints that focused on customer service and Program requirements, processes, and materials. After the Agency announced supplier contract awards in the Fall of 2010, the CAO held calls with beneficiary advocates, strengthened relationships with supplier advocates, and responded to stakeholder concerns about the Competitive Bidding Program timeline.

Supplier inquiries and complaints provided direct feedback about specific aspects of Competitive Bidding Program implementation. For example, suppliers provided important feedback about the online supplier directory and recommended topics for additional call-center customer service representative trainings. Overall, the majority of suppliers' inquiries and complaints during the 2010 reporting period fell into four categories: Customer Service, Program Requirements, Program Processes, and Program Materials (see Table 3). In response to suppliers' inquiries and complaints, the CAO met with CM and customer service components to discuss options for resolving these issues. More Supplier Listening Sessions to follow up and hear any new concerns are planned for 2011.

Going forward, the CAO will continue reporting supplier and individual issues to CMS leadership through appropriate pathways. In doing so, the CAO will continue contributing to Agency strategies to proactively identify potential impediments to the successful implementation of the DMEPOS Competitive Bidding Program.

Supplier inquiries and complaints raised issues regarding the need for:

- Ongoing customer service representative training
- Beneficiary-focused materials on 'grandfathering'
- General information on CMS' bid inquiry process and novation agreement requirements during changes in ownership
- Specific guidance on what subcontractors cannot do
- Ongoing education materials

Table 3. Suppliers' Inquiries and Complaints

Inquiry/Complaint Category	Supplier Inquiry/Complaint	CAO Response
Customer Service	Need more training for customer service representatives about specific issues such as mail-order diabetes supplies and how to direct individuals to the supplier that best fits their needs.	CAO will facilitate additional trainings for customer service representatives and encourage suppliers to use the Partner Surveillance Form to help CMS stay abreast of these issues.
Program Requirements	Program requirements and rules are complicated and published sources can be difficult to understand. Need more guidance on novation agreement requirements during changes in ownership.	CAO will support dissemination of clear, consistent, and current Competitive Bidding Program information.

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Inquiry/Complaint Category	Supplier Inquiry/Complaint	CAO Response
Program Processes	Need for better access to information about the status of a bid inquiry, including whether all deadlines have been met. Marketing guidelines for subcontractors should clarify whether they can market for direct referrals.	CAO forwarded supplier feedback regarding bid inquiries to CM. The CAO will support Agency review and clarification of subcontractor marketing guidelines.
Program Materials	Need for ongoing education about Program guidelines and definitions (e.g., what constitutes a DME 'repair'). Beneficiary educational materials should be shorter and easier to understand, especially regarding suppliers who 'grandfathered' into the Program.	CAO will facilitate additional supplier education and communication forums and will support increased use of mailing lists to disseminate Program updates. The CAO will also support Agency efforts to clarify beneficiary materials such as those explaining 'grandfathering'.

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VISION FOR THE FUTURE

The CAO has successfully established and used processes to respond to inquiries and complaints related to the application of the DMEPOS Competitive Bidding Program. Inquiry and complaint handling processes are of critical importance to the successful implementation of the Program because they inform CMS of potential systemic issues and facilitate Program improvements. Furthermore, CAO activities have provided valuable support for CMS' planned pre-implementation strategies by closely coordinating with Agency timelines and personnel.

The CAO will continue to play an important role in responding to inquiries and complaints, facilitating Agency communication strategies, and identifying potential systemic issues as the DMEPOS Competitive Bidding Program expands from nine MSAs into 91 additional MSAs in Round Two.

Moving forward, the CAO will continue to serve as a conduit for feedback from suppliers and individuals regarding the Competitive Bidding Program. In addition, the CAO will continue to integrate and assess the effectiveness of inquiry and complaint response processes that have been put in place, including their capacity to support the Agency in identifying potential systemic issues and strategies to improve Program implementation. Finally, the CAO will begin planning for the increased capacity that Round Two of the DMEPOS Competitive Bidding Program will require these processes to handle.

In 2011, the CAO will:

- Assist CMS in utilizing results from data to make prompt improvements to the Competitive Bidding Program;
- Continue to work closely with suppliers and build on early steps;
- Conduct more outreach to enhance awareness of Competitive Bidding Program inquiry and complaint handling processes and ensure that individuals and suppliers understand them; and
- Build on the successes of the caseworker training program and work to expand training across all components.

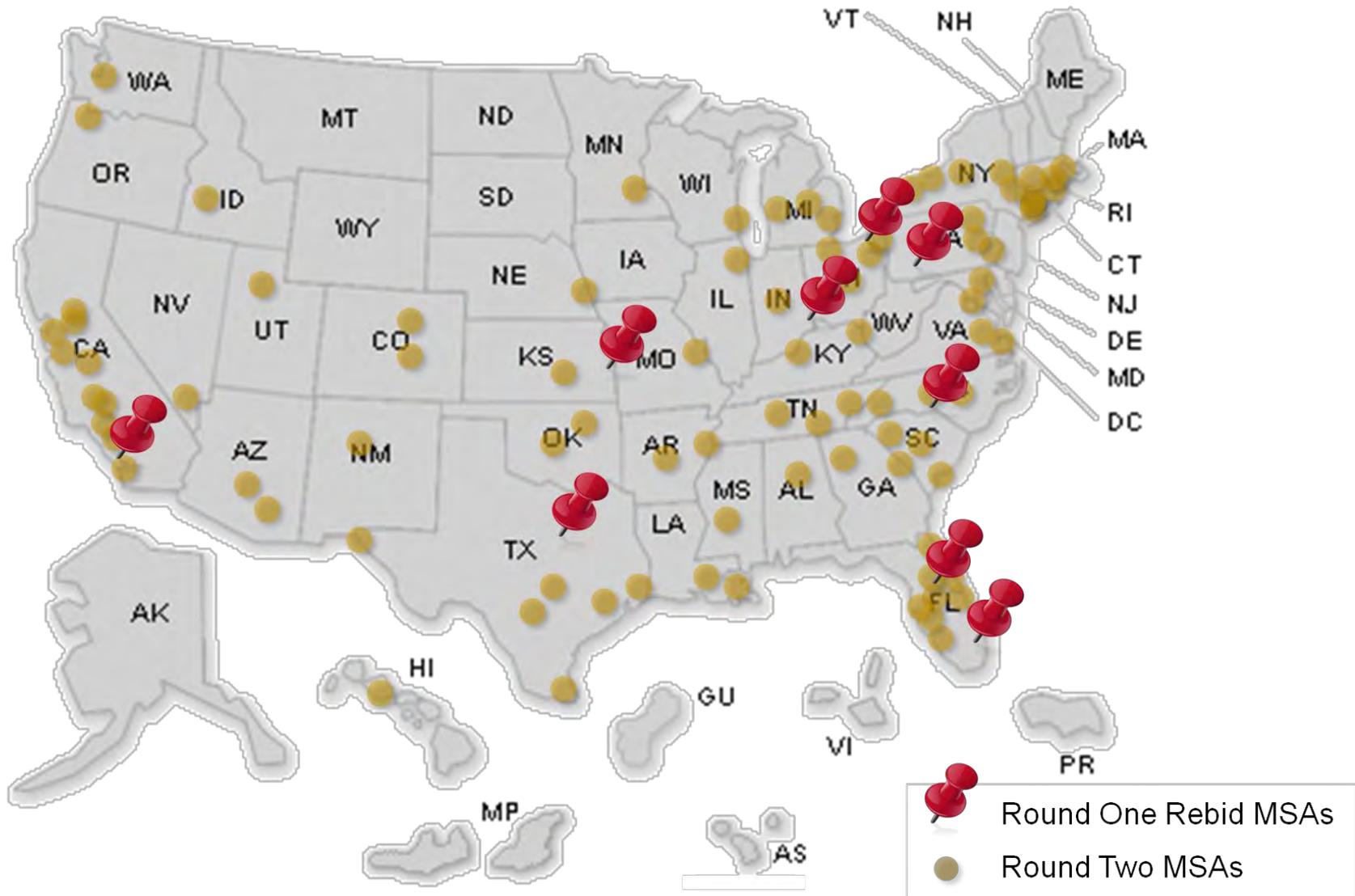
Round Two will expand the Program from nine MSAs into 91 additional MSAs, significantly increasing the number of suppliers and beneficiaries affected (see Figure 5). Furthermore, CMS will conduct a national mail-order competition for diabetes testing supplies at the same time as Round Two. (See Appendix Two for a schedule of Competitive Bidding Program milestones.)

Going forward, the CAO will focus on strengthening and refining its processes to make them able to support the expansion of the Competitive Bidding Program when Round Two is implemented. In light of this ongoing expansion, the CAO will continue to play an important role in responding to inquiries and complaints made by DMEPOS suppliers and individuals, facilitating Agency communication strategies, and identifying potential systemic issues and challenges to successful Program implementation.

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Figure 5. Round One Rebid MSAs and Round Two MSAs



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APPENDIX ONE

Inquiry and Complaint Fact Sheet



An Important Message from the Medicare Competitive Acquisition Ombudsman (CAO)

Suppliers

Contact the CBIC for inquiries and complaints.

- **Telephone:** Call toll-free (877) 577-5331 between 9:00 a.m. and 5:30 p.m. Eastern Time, Monday through Friday.
- **Web:** Visit the CBIC online at www.dmecompetitivebid.com
- **Mail:** Write to the CBIC at Palmetto GBA Competitive Bidding Contractor 2743 Perimeter Parkway, Suite 200-400 Augusta, GA 30909-6499
- **Competitive Acquisition Ombudsman Email:** CompetitiveAcquisitionOmbudsman@cms.hhs.gov

Beneficiaries

Beneficiaries and individuals have several options for assistance.

- **Telephone:** 1-800-MEDICARE (1-800-633-4227) TTY Users 1-877-486-2048. There are specially trained customer service representatives ready to assist those who may have inquiries and complaints.
- **Web:** For the Medicare Supplier Directory, visit www.medicare.gov
- **Local Resource: State Health Insurance Assistance Program (SHIP)**
Local one-on-one counseling and assistance for people with Medicare and their families. To locate a SHIP in your community, visit: www.medicare.gov/contacts/search-results.aspx?customresult=AllSHIP
- **Competitive Acquisition Ombudsman Email:** CompetitiveAcquisitionOmbudsman@cms.hhs.gov

Durable Medical Equipment, Prosthetics, Orthotics and Supplies (DMEPOS) Competitive Bidding Program Customer Service

Do you have an inquiry or complaint?

CMS created a customer service process to ensure that suppliers and individuals get help with inquiries and complaints. CMS collects and monitors inquiry and complaint data to identify any potential issues that may have an impact on beneficiaries and suppliers. The Competitive Bidding Implementation Contractor (CBIC) is the primary point of contact for supplier inquiries and complaints related to the application of the Competitive Bidding Program. Each competitive bidding area has a dedicated CBIC representative that is available to assist with inquiries or complaints, facilitate an understanding of the competitive bidding process, and to attend or provide educational materials or workshops or meetings.

Congress established the Competitive Acquisition Ombudsman (CAO) to respond to inquiries and complaints from suppliers and individuals regarding the application of the Program. The CAO will identify potential systemic issues and make recommendations for Program improvement when appropriate. In addition, the CAO provides an annual report to Congress.

The 1-800-MEDICARE Call Center is the primary point of contact for beneficiary inquiries and complaints regarding the quality of medical equipment or services received from a contract or grandfathered supplier.



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APPENDIX TWO

Schedule of Competitive Bidding Program Milestones

11/3/2010

CMS announces supplier contract awards for the Round One Rebid of the DMEPOS Competitive Bidding Program.

1/1/2011

Implementation of Medicare DMEPOS Competitive Bidding Program Round One Rebid contracts and prices begins.

11/30/2011

CMS announces the bidding timeline and begins a bidder education program for Round Two of the DMEPOS Competitive Bidding Program.

2/9/2012

Registration for Round Two bidders closes.

Fall 2012*

CMS announces single payment amounts and begins the contracting process for Round Two.

Spring 2013*

CMS announces supplier contract awards for Round Two and begins a contract supplier education campaign.

Spring 2013*

CMS begins a supplier, referral agent, and beneficiary education campaign for Round Two.

July 1, 2013*

Implementation of Medicare DMEPOS Competitive Bidding Program Round Two contracts and prices, and National Mail-Order Competition contracts and prices begin.

* Target dates

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