



August 24, 2018

Seema Verma
Administrator
Centers for Medicare and Medicaid Services
Department of Health and Human Services
P.O. Box 8013
Baltimore, MD 21244

RE: Request for Information Regarding the Physician Self-Referral Law (CMS-1720-NC)

Dear Administrator Verma:

The American Alliance for Healthy Sleep (AAHS) appreciates the opportunity to respond to the Centers for Medicare and Medicaid Services (CMS) Request for Information on the physician self-referral law (“Stark”).

The AAHS is a national non-profit organization comprised of patients with sleep disorders, providers and individuals with an interest in healthy sleep. The mission of the AAHS is to improve the lives of patients with sleep disorders through advocacy, awareness, education, and services that benefit the entire sleep community. As an organization dedicated to sleep patients, the AAHS supports an exemption of the Stark Law specifically for physicians treating patients with sleep-disordered breathing who may be prescribed positive airway pressure (PAP) therapy by their physician.

The Stark law negatively affects Medicare patients with sleep-related breathing disorders, as patients must be referred to an outside provider for their PAP equipment instead of being treated directly through their physician, who is more familiar with the patient and their needs. A myriad of issues may occur as a result, including patients not receiving equipment due to inconvenience or distance of the DME provider, patients receiving insufficient instruction or improper mask fit from the DME provider, inconsistent or untimely communication between the DME provider and sleep physician that allows patients to fall through the cracks or leaves the physician lacking information necessary to complete meaningful follow-up with patients.

In general, sleep providers can provide full coordinated-care for their patients from consultation through long-term treatment and management which allows the patient to benefit from timely care of their sleep disorder by trusted health care professionals that they have worked with since the beginning of their sleep health journey. Providing this exemption or eliminating the Stark law for these patients will allow CMS patients to attain the same level of care that private paying patients receive through consistent, long-term comprehensive care through their sleep physicians.

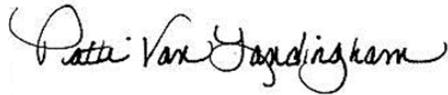
To truly evaluate the quality of care a sleep patient receives from a physician, the physician must be able to oversee all aspects of the patient’s care; with current restrictions, treatment—the most crucial component of improving a patient’s quality of life—is left with a third-party provider who has minimal knowledge of the patient or incentive to work with the prescribing physician to ensure

treatment is received, used and effectively treating the disorder. Allowing the patient and physician to work together throughout the process, including instituting and ensuring treatment is working and successful, increases the chances that the patient will have a positive outcome with their PAP treatment.

Implementing this exemption for sleep providers participating in value-based models of care will allow patients to receive the continuous treatment and needed care through their trusted sleep provider but will also protect patients against unnecessary testing or erroneously prescribed treatment. Value-based models are driven by the efficiency of the services provided and by improved patient outcomes; physicians are incentivized to lower costs, instead of increasing costs by ordering additional testing or prescribing costly treatment options. Additionally, if sleep patients can have their sleep disorder diagnosed, treated and managed by one entity, it will be much more direct and accurate assessment of the effect the physician has had on the patient's outcome. Having a valid measure of the effectiveness of care will further improve patients' lives.

Thank you for the opportunity to provide feedback on this important issue. If you have any questions, please contact Melissa Clark, Managing Director, at (888) 737-2247 or mclark@sleepallies.org.

Sincerely,

A handwritten signature in black ink that reads "Patti Van Landingham". The signature is written in a cursive, flowing style.

Patti Van Landingham
Chair