

DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
7500 Security Boulevard, Mail Stop C5-15-12
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Center for Medicare

August 9, 2022

Marlene Caride
Chair, Senior Issues (B) Task Force
National Association of Insurance Commissioners
marlene.caride@dobi.nj.gov

Dear Marlene Caride:

Thank you for your letter to Administrator Brooks-LaSure requesting guidance on the applicability of Medicare's limiting charge to durable medical equipment (DME) that is furnished by nonparticipating DME, prosthetics, orthotics, and supplies suppliers and not billed on an assignment-related basis. She asked me to respond on her behalf. The Centers for Medicare & Medicaid Services greatly appreciates your bringing these concerns to our attention.

Under the Medicare statute, the limiting charge that applies to physicians' services does not apply to DME. DME is a different benefit category under Medicare Part B, with its own fee schedule and special payment rules. The relevant provisions of the Medicare statute do not require or address a limiting charge for DME. Therefore, a nonparticipating DME supplier is permitted to charge its full customary charge for any DME that is not furnished on an assignment-related basis.

I appreciate your interest in this important issue as we work towards our mutual goal of strengthening the Medicare program for all beneficiaries. I will also provide this response to the co-signer of your letter.

Sincerely,

Meena Seshamani, M.D., Ph.D

Meena Seshamani, MD, PhD
Director, Center for Medicare