



March 9, 2020

The Honorable Terri Sewell
2201 Rayburn House Office Building
Washington, D.C. 20515

The Honorable John Shimkus
2217 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Adrian Smith
502 Cannon House Office Building
Washington, D.C. 20515

The Honorable Brad Wenstrup
2419 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Tony Cárdenas
2438 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Kurt Schrader
2431 Rayburn House Office Building
Washington, D.C. 20515

Dear Representatives Sewell, Smith, Cárdenas, Shimkus, Wenstrup, and Schrader:

On behalf of National Taxpayers Union (NTU), I write to thank you for introducing H.R. 5741, the Strengthening Innovation in Medicare and Medicaid Act.¹ As long-time advocates of putting prudent guardrails on the activity of the Center for Medicare and Medicaid Innovation (CMMI), we believe this legislation takes several important steps to make CMMI more accountable to taxpayers, patients, providers, and Congress.

In a response to a Request for Information from the Centers for Medicare & Medicaid Services in November 2017, NTU wrote that it “believes that Congress should reconsider CMMI in its entirety.”² Until that time, we added, stakeholders could work to place:

- “A limit on the percentage of beneficiary, provider, or other populations to no more than the proportion deemed statistically and economically sufficient to produce valid demonstration results;
- A limit on the duration of most projects formally defined as demonstrations...;
- A new set of guidelines for expansions or waivers of rules surrounding any demonstrations so as to require more consultation and collaboration with Congress.”³

We are pleased to see that the Strengthening Innovation in Medicare and Medicaid Act takes several steps like these, and more. The legislation would limit CMMI models to five years and a “statistically valid sample” of individuals. It would also re-establish judicial review for “the elements, parameters, scope, and duration of such models for testing or dissemination,” and “determinations about expansion of the duration and scope of a model.”

¹ “H.R.5741 - Strengthening Innovation in Medicare and Medicaid Act.” Congress.gov. Introduced February 3, 2020. Retrieved from: <https://www.congress.gov/bill/116th-congress/house-bill/5741/text> (Accessed March 6, 2020.)

² Sepp, Pete. “NTU’s Comments on Centers for Medicare & Medicaid Services.” National Taxpayers Union, November 22, 2017. Retrieved from: <https://www.ntu.org/publications/detail/ntus-comments-on-centers-for-medicare-medicaid-services>

³ *Ibid.*

The bill goes even further in the right direction by providing for expedited Congressional disapproval of a CMMI model. Last year, NTU supported an amendment to H.R. 3 that would:

“...require the Secretary of HHS to seek approval from several Congressional Committees (House Ways and Means, House Energy and Commerce, Senate Finance, Senate Health, Education, Labor and Pensions) and the full Congress before expanding CMMI models to Phase II. It would also limit Phase I models to no more than five years and 500,000 beneficiaries.”⁴

We also support the higher bar the Strengthening Innovation in Medicare and Medicaid Act would set for public input into CMMI models; namely, that CMMI must consult the public on the development, testing, modification, and evaluation of models. This will increase the opportunities stakeholders have to raise legitimate concerns with the scale, scope, and design of certain models.

The Strengthening Innovation in Medicare and Medicaid Act is a strong piece of legislation that would improve accountability at CMMI. Thank you for introducing this bill, and we stand ready to assist you in ensuring it reaches the president’s desk.

Sincerely,

Andrew Lautz
Policy and Government Affairs Associate

CC: The Honorable Sheila Jackson Lee
The Honorable Jason Smith
The Honorable George Holding
The Honorable Bill Johnson

⁴ Lautz, Andrew. “NTU Identifies Pro-Taxpayer Amendments for Pelosi Drug Pricing Bill.” National Taxpayers Union, December 9, 2019. Retrieved from: <https://www.ntu.org/publications/detail/ntu-identifies-pro-taxpayer-amendments-for-pelosi-drug-pricing-bill>