January 21, 2022

Administrator Chiquita Brooks-LaSure
U.S. Department of Health & Human Services
Centers for Medicare & Medicaid Services
7500 Security Boulevard
Baltimore, Maryland 21244

Dear Administrator Brooks-LaSure,

I write today calling on the Centers for Medicare and Medicaid Services (CMS) to immediately issue regulations or guidance providing full Medicare coverage of all FDA authorized over-the-counter (OTC) at-home rapid tests. Doing so is critical to expanding access to free diagnostic tests, curbing the spread of COVID-19, and protecting Medicare beneficiaries.

I was encouraged to see updated guidance released on January 10, 2022 providing for coverage of up to 32 FDA authorized OTC at-home tests per month by private health insurers and plans. This step was taken, according to the guidance, "to remove financial barriers and expand access to COVID-19 testing."[1] However, despite this welcome move, original Medicare beneficiaries were left out. In FAQs released by CMS, the agency states that "[a]t this time original Medicare cannot pay for at-home tests through this program."[2]

Medicare provides health insurance coverage to over 61 million people, including those 65 and older and people with disabilities, among others.[3] In short, this means that Medicare covers some of the most vulnerable individuals in our country, including many who are at highest risk of developing severe COVID-19 infections. They not only need, but deserve, increased access to at-home testing to protect themselves and others.

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[1] United States Department of Labor, *FAQs About Affordable Care Act Implementation Part 51, Families First Coronavirus Response Act and Coronavirus Aid, Relief, and Economic Security Act Implementation*, updated Jan. 10, 2022, https://www.dol.gov/sites/dolgov/files/EBSA/about-ebsa/our-activities/resource-center/faqs/aca-part-51.pdf.

[2] United States Centers for Medicare & Medicaid Services, *Frequently Asked Questions: How to get your At-Home Over-The-Counter COVID-19 Test for Free*, Jan. 10, 2022, https://www.cms.gov/files/document/11022-faqs-otc-testing-guidance.pdf.

[3] Kaiser Family Foundation, Total Number of Medicare Beneficiaries, 2020, https://www.kff.org/medicare/state-indicator/total-medicare-beneficiaries/?currentTimeframe=0&sortModel=%7B%22colId%22:%22Location%22,%22sort%22:%22asc%22%7D.

As shortages of tests are exacerbated by the omicron variant, it is more critical than ever that individuals have affordable access to COVID-19 diagnostic tests. I continue to request that the administration take all steps necessary to alleviate this shortage and make COVID-19 tests more accessible to all who need them. A critical step in this effort is expanding free coverage of OTC at-home COVID-19 tests to individuals with Medicare coverage. I urgently call on you to take this necessary step.

Sincerely,

Richard Blumenthal
United States Senate