



# HEALTHCARE NUTRITION COUNCIL

Improving outcomes through awareness and action

June 1, 2020

Department of Health and Human Services  
Centers for Medicare & Medicaid Services  
Attention: CMS – 1744 – IFC  
P.O. Box 8016  
Baltimore, MD 21244-8016

## **Re: Medicare and Medicaid Programs; Policy and Regulatory Revisions in Response to the COVID-19 Public Health Emergency**

Dear Administrator Verma:

The Healthcare Nutrition Council is commenting on the interim final rule published in the *Federal Register* on April 6, 2020 titled “Medicare and Medicaid Programs; Policy and Regulatory Revisions in Response to the COVID-19 Public Health Emergency.” The Healthcare Nutrition Council (HNC) is an association representing manufacturers<sup>1</sup> of enteral nutrition (EN) formulas and oral nutrition supplements (ONS), parenteral nutrition (PN) formulas, supplies and equipment. Our organization aims to promote nutritional screening, diagnosis, assessment, appropriate and timely clinical nutrition interventions, as well as patient access to specialized nutrition support products and services throughout the continuum of care.

As part of this rule and subsequent guidance, we appreciate CMS expanding the types of providers permitted to provide telehealth and remote services to Medicare beneficiaries during the ongoing Public Health Emergency (PHE). CMS also lifted other restrictions, such as originating site and other rules that restrict the provision of delivery of telehealth or remote services. Several of these newly authorized provider types play an important role for patients recovering from serious injuries and illness, including COVID-19 and similar diseases, many of whom rely on nutrition support products for their recovery. Further, many of these patients will need ongoing treatment long after the PHE is declared over.

In light of this, HNC urges CMS to make these modifications permanent for practitioners and Medicare beneficiaries. It has become apparent that COVID-19 will have a years-long impact on patients and providers. Maximum flexibility is needed to ensure health care resources are used to their maximum efficiency. Allowing providers to use their expertise and discretion to provide services remotely or via telehealth will ensure that is the case. If CMS is unable to technically make the changes permanent, it should extend them indefinitely or for the maximum period allowable.

HNC would like to thank CMS for all of its efforts in providing so many flexibilities to providers during these difficult times. We look forward to continue to collaborate with CMS and other stakeholders.

Sincerely,

A handwritten signature in black ink that reads "Robert Rankin". The signature is written in a cursive, flowing style.

Robert Rankin  
Executive Director, Healthcare Nutrition Council

---

<sup>1</sup> HNC members are Abbott Nutrition, B. Braun Medical Inc., Nestle Healthcare Nutrition, and Nutricia North America.