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United States Senate

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July 30, 2021

Chiquita Brooks-LaSure
Administrator
Centers for Medicare and Medicaid Services
The Hubert H. Humphrey Building
200 Independence Avenue S.W.
Washington, D.C., 20201

Administrator Brooks-LaSure,

In June, Oregon experienced multiple days of extreme heat. The temperature in Portland peaked at 116 degrees Fahrenheit. Over 100 people died because of the heat, mostly older adults. Many of these deaths could have been prevented if these individuals had a working air conditioning unit at home.

While the June heatwave is passed, we are in the midst of another one now. I worry that there will be more extreme heat events this summer and poor air quality due to wildfires. Local governments and community organizations have come together to set up cooling centers to help. However, given the coronavirus outbreak, we also need to help our vulnerable seniors stay safe at home.


I authored the CHRONIC Care Act to provide Medicare Advantage plans the ability to provide “non-primarily health-related” items as a Special Supplemental Benefits for the Chronically Ill (SSBCI). In its 2021 final rule implementing the law, the Centers for Medicare and Medicaid Services regulations specifically listed “indoor air quality and equipment” as an example of non-primarily health related SSBCI benefit.

Under the Public Health Emergency (PHE), your agency has given Medicare Advantage plans the opportunity to file mid-year benefit changes in connection with the COVID-19 outbreak. It has come to my attention that there is uncertainty as to whether plans can provide air conditioning units and air filtration units to their members. Can you clarify:

- 1) Does CMS consider air condition and air filtration units to be permissible SSBCI benefits?
- 2) Under the PHE, will your agency approve Medicare Advantage plan mid-year benefit changes to provide air conditioning and air filtration units to chronically ill members?

Lastly, I strongly urge that you expedite the approval of any mid-year benefit changes requested by Medicare Advantage plans for Oregon and all states to best meet the needs of Medicare beneficiaries during this continued public health crisis.

Thank you,

A handwritten signature in blue ink that reads "Ron Wyden". The signature is written in a cursive style with a horizontal line underneath it.

Senator Ron Wyden
Chairman