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**State of Vermont**  
**Agency of Human Services**  
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*Jenney Samuelson, Secretary*  
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**Date:** June 30, 2023

**Re:** Response to Public Comments for Global Commitment Register notice [23-023 Medicaid Incontinence Supplies](#).

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Comments received are included below along with responses to comments from the Agency of Human Services (AHS).

**Comment Received from Vermont Legal Aid Disability Law Project:** The Disability Law Project (DLP) represents Medicaid beneficiaries who need incontinence supplies as a result of their disability. A significant number of our clients who require incontinence supplies have difficulty accessing them. One barrier we identified is that vendors have different access procedures. Another is that vendors have not been open to modification in those procedures when they present a barrier to access.

The DLP believes the proposed GCR 23-023 regulation establishing a sole vendor for incontinence supplies can make the ordering and timely receipt of these supplies easier for beneficiaries. That said, we do not know if the procedures set by the contracted vendor will address the barriers identified above. We request the Department of Vermont Health Access ensure the selected vendor offers multiple means of ordering incontinence supplies to ensure access. We further note that the vendor may, pursuant to the Americans with Disabilities Act (ADA), need to further modify its procedures to ensure access. We appreciate the opportunity to comment on this proposed regulation.

**State Response:** Thank you for your comment. This change is to increase access, member support, product options, and distribution of incontinence supplies for Medicaid beneficiaries. DVHA will work with the vendor, members, and current suppliers to ensure a smooth transition. The vendor is required to adhere to Americans with Disabilities Act requirements.

**Comment Received from the VNAs of Vermont:** I have had some initial conversations with home health agencies about the proposal to use a single supplier for Medicaid incontinence supplies as a cost savings measure for the Medicaid program. We have concerns. Many agencies no longer maintain supply rooms and instead contract with vendors who deliver supplies directly to patient homes. This proposal has too few details for us to evaluate whether that would be possible or how much additional administrative burden might fall to home health agencies as a result of this change. We would like to convene a conversation with state officials and home health agency CFOs about this proposal and its operational implications. We cannot support this proposal with the information we have today.

**State Response:** The single vendor will provide one point of contract for Medicaid members to increase access, member support, product options, and distribution of incontinence supplies. DVHA is allowing a 90-day transition period for this change. Following the transition period, all supplies will be ordered and delivered via the sole source vendor. DVHA will work with the Home Health Agencies during this time to understand operational implications and ensure a smooth transition.

**Comment Received from Addison County Home Health and Hospice:** It is a shame that Vermont is farming out this contract, outside of Vermont to NY and Pennsylvania. You are not shopping locally and not supporting the local economy. Were local DME suppliers even thought of when the decision was made to have only one single vendor? Since this is a change from the norm it seems there could have been more of an effort to notify local DME companies of this change.

**State Response:** The vendor selected is a regional company enrolled with Vermont Medicaid who currently provides incontinence supplies to Vermont Medicaid members. No Vermont based companies submitted a bid proposal. All Medicaid enrolled DME providers were sent e-mail notification about the bid opportunity on 10/31/2022. A stakeholder group of DME providers was e-mailed about the bid opportunity on 11/2/2022 and this information was shared at their meeting with DVHA on 11/8/2022.

**Comment Received from Addison County Home Health and Hospice:** I am wondering if you have selected the vendor to be your statewide supplier or is there a bidding opportunity. Knowing that suppliers are very limited as you considering supplier per county or statewide. Is there an application process.

**State Response:** A statewide vendor was selected through a State of Vermont request for proposals and competitive bidding process. The vendor selected through the competitive bidding process is ActivStyle, an enrolled Vermont Medicaid provider. The request for proposals was posted on the [Vermont Business Registry website](#) and the bidding closed in November of 2022.