



February 13, 2015

SUBMITTED ELECTRONICALLY via cures@mail.house.gov

Chairman Fred Upton
Committee on Energy and Commerce
2125 Rayburn House Office Building
Washington, DC 20515

Ranking Member Frank Pallone
Committee on Energy and Commerce
2125 Rayburn House Office Building
Washington, DC 20515

**RE: Support for the “Ellmers-Butterfield Provision on Disposable Medical Technology”
in the 21st Century Cures Discussion Draft**

Dear Chairman Upton and Ranking Member Pallone:

The undersigned members of the Independence Through Enhancement of Medicare and Medicaid (ITEM) Coalition write to applaud your efforts to accelerate the pace of cures and medical breakthroughs and to specifically support Subtitle G - Disposable Medical Technologies, authored by Representatives Renee Ellmers (R-NC) and G.K. Butterfield (D-NC), in the 21 Century Cures Discussion Draft. We strongly encourage you to maintain this provision in the final bill.

The ITEM Coalition is a national consumer and clinician-led coalition advocating for access to and coverage of assistive devices and technologies for persons with injuries, illnesses, disabilities and chronic conditions of all ages. Our members represent individuals with a wide range of disabling conditions, as well as the providers who serve them, including such conditions as multiple sclerosis, spinal cord injury, visual impairments, hearing and speech impairments, limb loss, brain injury, stroke, cerebral palsy, spina bifida, myositis, osteogenesis imperfecta, and other life-altering conditions.

As medicine advances and innovation occurs in the treatment of injuries, illnesses, disabilities, and chronic conditions, Medicare beneficiaries are losing access to disposable forms of devices and treatments that traditionally have been covered under the durable medical equipment (DME) benefit. The Medicare program does not recognize the value of disposable technologies in the home because of a conflict with the decades-old definition of DME, which requires longer term durability of the products at issue. These include all sorts of devices and treatments including wound care that is used to treat decubitus ulcers incurred by long-term wheelchair users and others who are non-ambulatory.

These modern, disposable items are commonly covered by private payers, as they are easier to use, less expensive, and provide good outcomes. We therefore urge you to include the Disposable Medical Technologies provision in your 21st Century Cures legislation upon formal introduction to ensure patients have access to disposable medical technologies that would otherwise be covered as DME, but for the fact that, due to advances in medical technology and treatment, they may no longer be considered “durable.” As such, we do not view this as an expansion of the DME benefit, but rather, a protection against erosion of what was always intended to be covered under the Medicare DME benefit.

Thank you for your consideration of our views and we look forward to working with you and your staff to further legislation that will allow for coverage of disposable medical technology under the Medicare DME benefit. Should you have further questions, please contact the ITEM Coalition Steering Committee, listed below, or Peter Thomas, ITEM Coalition coordinator, via email at Peter.Thomas@ppsv.com or by calling 202-466-6550.

Sincerely,

ITEM Coalition Steering Committee Members

Mark Richert, American Foundation for the Blind (MRichert@afb.net)

Lisa Satterfield, American Speech-Language-Hearing Association (LSatterfield@asha.org)

Laura Weidner, National Multiple Sclerosis Society (Laura.Weidner@nmss.org)

Lee Page, Paralyzed Veterans of America (LeeP@pva.org)

Alexandra Bennewith, United Spinal Association (ABennewith@unitedspinal.org)

ITEM Coalition Endorsing Organizations

ACCSES

Advanced Medical Technology Association

American Academy of Physical Medicine and Rehabilitation

American Association on Health and Disability

American Cochlear Implant Alliance

American Congress of Rehabilitation Medicine

American Foundation for the Blind

American Medical Rehabilitation Providers Association

American Music Therapy Association

American Occupational Therapy Association

American Speech-Language-Hearing Association

American Therapeutic Recreation Association
Amputee Coalition
Association for Education and Rehabilitation of the Blind and Visually Impaired
Association of Assistive Technology Act Programs
Brain Injury Association of America
Caregiver Action Network
Christopher & Dana Reeve Foundation
Easter Seals
Lakeshore Foundation
Myositis Association
National Disability Rights Network
National Multiple Sclerosis Society
National Stroke Association
Paralyzed Veterans of America
Spina Bifida Association
The Arc of the United States
United Spinal Association