



June 13, 2017

The Honorable Thomas E. Price
Secretary
Department of Health and Human Services
200 Independence Avenue, SW
Washington, D.C. 20201

Re: TIME SENSITIVE REQUEST to Ensure Access to Complex Rehab Technology (CRT) Wheelchairs and Components for Medicare Beneficiaries with Disabilities and Chronic Conditions

Dear Secretary Price:

The undersigned members of the Independence Through Enhancement of Medicare and Medicaid (ITEM) Coalition last wrote to you on April 5, 2017 to express our strong desire to have you take administrative action to permanently exempt Complex Rehab Technology (CRT) wheelchairs and components for people with disabilities and chronic conditions from Medicare's Competitive Bidding pricing before July 1, 2017. This important action is needed to protect Medicare beneficiary access to both power and manual complex rehab technology, as well as essential components known as wheelchair "accessories."

As the Congressional clock ticks toward the end of June, it is becoming increasingly clear that Congress will not have a suitable legislative vehicle with which to correct this issue, and so we turn to you and your colleagues at the Centers for Medicare and Medicaid Services (CMS) to use your administrative authority to act expeditiously to preserve access to the CRT benefit for Medicare beneficiaries with injuries, illnesses, disabilities and chronic conditions.

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 disabling conditions of all ages. Our members represent individuals with a wide range of conditions, as well as the providers who serve them, including such conditions as multiple sclerosis, paralysis, hearing and speech impairments, cerebral palsy, visual impairments, spinal cord injuries, brain injuries, stroke, spina bifida, myositis, limb loss, Osteogenesis Imperfecta ("OI"), and other life-altering conditions.

Power and manual CRT wheelchairs and CRT accessories are essential for a small segment of wheelchair users (about 10 percent of the Medicare population) with significant disabilities. For these wheelchair users, a wheelchair is not complete, usable, or even safe without the appropriate complex rehab technology components included.

Inaction by the previous Administration on this issue left our members with no choice but to turn to legislative solutions to this perennial problem. As you well know, Congress passed two short-term fixes to delay the application of Medicare's Durable Medical Equipment Prosthetics Orthotics and Supplies (DMEPOS) Competitive Bidding Program (CBP) pricing, via the passage

of S. 2425, the *Patient Access and Medicare Protection Act of 2015*, passed in December 2015, and extended with the passage of Sec. 16005 in the 21st Century Cures Act.

Both of these important pieces of legislation delayed the implementation of Medicare fee schedule adjustments for wheelchair accessories and seating systems used in conjunction with Power CRT wheelchairs. These legislative efforts helped postpone significant reimbursement cuts that would have seriously compromised access to CRT accessories. However, the most recent delay, from the Cures legislation, expires on July 1, 2017, and did not protect complex rehabilitation manual accessories, once again threatening access to CRT for those who need it.

Findings from previous efforts support the need for administrative action to protect beneficiary access to CRT. The December 2015 legislation, S. 2425, included provisions for the Government Accountability Office (GAO) to study and report on this issue. The GAO released a report to Congress in June 2016 entitled, “Utilization and Expenditures for Complex Wheelchair Accessories.”¹ The report supports the conclusion that CMS needs to permanently exempt both CRT manual and CRT power wheelchairs and accessories from competitively bid pricing.

We now ask that you and your administration take action under your administrative authority to protect patient access to all CRT. It is important that a permanent solution apply not just to accessories used with complex rehab power wheelchairs, but also to complex rehab manual wheelchairs and all accessories for all of our members across the populations we serve.

Regardless of injury, illness, disability, or chronic condition, all Medicare beneficiaries should be eligible for the same access to medically necessary mobility devices, services, and accessories. Anything less can have serious consequences for beneficiaries. **We urge you to take administrative action by July 1, 2017 (when the current delay expires) to ensure that accessories used with either CRT power or CRT manual wheelchairs are protected.**

We would be happy to meet to discuss this issue further and are available for any questions that you may have. To contact the ITEM Coalition, please contact the ITEM Coalition coordinators, Peter Thomas, at Peter.Thomas@powerslaw.com or Leif Brierley at Leif.Brierley@powerslaw.com, or by calling 202-466-6550.

Sincerely,

ITEM Coalition Steering Committee Members

Amputee Coalition
American Foundation for the Blind
Christopher and Dana Reeve Foundation
National Multiple Sclerosis Society
Paralyzed Veterans of America
United Spinal Association

CC: Seema Verma, Administrator, CMS
Demetrios Kouzoukas, Principal Deputy Administrator, CMS
Carla DiBlasio, Office of the CMS Administrator

¹ GAO-16-640R Medicare