



VIA ELECTRONIC MAIL

March 12, 2018

The Honorable Mitch McConnell
U.S. Senate
Majority Leader
Washington, D.C. 20510

The Honorable Chuck Schumer
U.S. Senate
Minority Leader
Washington, D.C. 20510

The Honorable Paul Ryan
U.S. House of Representatives
Speaker of the House
Washington, D.C. 20515

The Honorable Nancy Pelosi
U.S. House of Representatives
Minority Leader
Washington, D.C. 20515

The Honorable Orrin Hatch
U.S. Senate
Chair, Finance Committee
Washington, D.C. 20510

The Honorable Ron Wyden
U.S. Senate
Ranking Member, Finance Committee
Washington, D.C. 20510

The Honorable Kevin Brady
U.S. House of Representatives
Chair, Ways and Means Committee
Washington, D.C. 20515

The Honorable Richard Neal
U.S. House of Representatives
Ranking Member, Ways and Means Committee
Washington, D.C. 20515

The Honorable Greg Walden
U.S. House of Representatives
Chair, Energy & Commerce Committee
Washington, D.C. 20515

The Honorable Frank Pallone
U.S. House of Representatives
Ranking Member, Energy & Commerce Committee
Washington, D.C. 20515

Re: Support for Inclusion of Key Medicare Provisions Impacting People with Disabilities in the Omnibus Spending Bill

Dear Senators McConnell, Schumer, Hatch, and Wyden and Representatives Ryan, Pelosi, Brady, Neal, Walden, and Pallone:

The undersigned members of the Independence Through Enhancement of Medicare and Medicaid (ITEM) Coalition Steering Committee write to express our strong support for the inclusion of several important Medicare provisions in the Omnibus Spending bill for Fiscal Year 2018 expected to be considered by March 23rd.

ITEM is a 75-member consumer and clinician coalition focused on access to and coverage of assistive devices and technologies for people with 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, paralysis, limb loss, hearing and speech impairments, cerebral palsy, visual impairments, spinal cord injuries, brain injuries, stroke, spina bifida, myositis, Osteogenesis Imperfecta (“OI”), vision loss, and other disabling conditions.

We last wrote to you on February 7, 2018 expressing strong support for inclusion of key Medicare provisions in the FY 2018 Continuing Resolution. We are very grateful for your decision to include in that legislation a provision to extend coverage of speech generating devices (SGDs) for people with speech impairments, a provision that recognizes the clinical notes of prosthetists and orthotists as part of the patients’ medical records for purposes of determining medical necessity of orthotic and prosthetic care, and other important Medicare provisions impacting Medicare beneficiaries with disabilities and chronic conditions. We believe these policies will significantly and positively impact Medicare beneficiaries, and appreciate their inclusion in that bill.

Key Priorities for Inclusion in the FY 2018 Omnibus Spending Bill

We write today to strongly support the inclusion of additional key ITEM Coalition priorities in the Omnibus Spending bill that will benefit Medicare beneficiaries with disabilities and chronic conditions. Those additional Medicare priorities include:

- **Two Provisions of S. 1191 and H.R. 2599, the Medicare Orthotics and Prosthetics Improvement Act of 2017:**
 - **Section 7 of the Medicare O&P Improvement Act:** This provision clarifies Congressional intent regarding the definition of “minimal self-adjustment,” which defines off-the-shelf orthotics for purposes of competitive bidding. This provision would help ensure that Medicare beneficiaries have access to the clinical services necessary to properly fit certain orthoses that have been inappropriately defined by CMS as off-the-shelf.
 - **Section 8 of the Medicare O&P Improvement Act:** This provision would direct CMS to finally implement long-overdue regulations for Section 427 of the Benefits Improvement and Protection Act of 2000, which links the right to bill the Medicare program for custom fabricated orthotics and prosthetics with the qualifications of the practitioner or supplier, with exceptions for certain health professionals.
- **H.R. 3730**, bipartisan legislation introduced by Representatives Lee Zeldin (R-NY) and John Larson (D-CT) to permanently exempt *manual* Complex Rehab Technology (CRT) wheelchair accessories and components for people with disabilities and chronic conditions from Medicare’s Competitive Bid Program (CBP). This important legislation will protect Medicare beneficiary access to manual complex rehab technology, as well as essential components known as wheelchair “accessories.” ITEM Coalition has long supported access to this critical mobility technology for Medicare beneficiaries.

- **H.R. 4229, the “Protecting Home Oxygen & Medical Equipment Access Act” (Protecting HOME Access Act).** Representatives Cathy McMorris Rodgers (R-WA) and Dave Loebsack (D-IA) introduced this bipartisan legislation in 2017 to provide more time for Congress to evaluate the effects of competitive bidding (CB) pricing for rural and non-CB areas on patient access by extending the transition period from January 1, 2017 to December 31, 2018 with reimbursement rates equal to rates in effect on January 1, 2016. The bill would also seek to preserve access to home oxygen therapy in rural areas, which is critical to significant numbers of Medicare beneficiaries with disabilities and chronic conditions.
- **S. 794, the Local Coverage Determination Clarification Act.** This important legislation would help ensure basic procedural fairness in Local Coverage Determinations (LCDs), and thereby provide an important Medicare beneficiary protection that is often lacking in local coverage decisions. ITEM Coalition has long supported the important Medicare beneficiary protections that are encapsulated in this bill.

Again, we urge you to include these provisions in the Omnibus Spending bill expected to be passed by March 23rd. 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 call 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