



December 4, 2020

The Honorable Frank Pallone
Chair, Energy & Commerce Committee
2107 Rayburn House Office Building
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Greg Walden
Ranking Member, Energy & Commerce Committee
2185 Rayburn House Office Building
U.S. House of Representatives
Washington, D.C. 20515

RE: Permanent “Fix” for Medicare Payment of Complex Rehabilitative Manual Wheelchair Accessories

Chairman Pallone and Ranking Member Walden:

The undersigned members of the Independence Through Enhancement of Medicare and Medicaid (ITEM) Coalition Steering Committee request that you urge the Centers for Medicare and Medicaid Services (CMS) to make permanent the temporary suspension of adjusted payments for manual Complex Rehabilitation Technology (CRT) wheelchair accessories and components. This policy change would permanently exempt these components, used by people with disabilities and chronic conditions, from decreased prices tied to Medicare’s Competitive Bid Program (CBP). This important change would ensure consistency across all CRT wheelchair accessories and ensure that Medicare beneficiaries remain able to access these critical technologies.

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, as well as the providers who serve them, including such conditions as multiple sclerosis, paralysis, spinal cord injury, hearing and speech impairments, cerebral palsy, brain injury, stroke, spina bifida, myositis, limb loss, and other life-altering conditions.

On June 23, 2017, CMS [announced](#) a policy clarification that it would not apply competitively-bid reimbursement levels to CRT Group 3 *power* wheelchair accessories. This policy averted significant cuts that were scheduled to go into effect July 1, 2017 and avoided drastic reductions in access to this specialized mobility technology for Medicare beneficiaries with significant, long-term mobility impairments. The ITEM Coalition is grateful to CMS and the Members of Congress that supported this action.

Unfortunately, CMS did not extend this new rule to CRT *manual* wheelchairs, leaving a discrepancy between the treatment of these two categories of wheelchair accessories. In 2019, Congress passed legislation¹ permanently excluding manual CRT wheelchair bases from the competitive bidding program (to match the treatment of power wheelchair bases) and instituting

¹ H.R. 1865, the *Further Consolidated Appropriations Act*. P.L. 116-94.

an 18-month suspension of competitively bid rates for manual CRT wheelchair accessories. This suspension is currently scheduled to expire on June 30, 2021.

In the recently released 2021 durable medical equipment, prosthetics, orthotics, and supplies (DMEPOS) proposed payment rule, CMS includes language implementing the permanent exemption of manual CRT wheelchair bases from the CBP. However, the price adjustments for manual CRT wheelchair accessories are not addressed in the proposed rule. Action by CMS is urgently needed to permanently help Medicare beneficiaries who are manual CRT wheelchair users to obtain medically necessary CRT accessories and components. The decision by CMS to not permanently extend CRT patient protections to manual CRT accessories has led to a significant disparity in access. This adversely impacts Medicare beneficiaries with mobility impairments by unfairly penalizing manual CRT wheelchair users, limiting their access to essential wheelchair accessories and components.

Data from a recent survey of over 400 Medicare supplier locations, conducted prior to the temporary suspension of the price adjustments for manual CRT wheelchair accessories, shows that nearly two-thirds of respondents indicated the reimbursement cuts for these components had “significantly reduced [their] ability to provide the right wheelchair accessories to Medicare beneficiaries who require Complex Rehab Manual Wheelchairs.”² If the reduced fee schedule rates for these components are allowed to go into effect in July 2021, the ensuing decrease in access to manual CRT wheelchair accessories would be detrimental to many wheelchair users that rely on Medicare to provide these essential components.

To ensure that all CRT wheelchair users, both power and manual, have access to the components they need, we have urged the Administration to permanently extend this temporary policy for manual CRT wheelchair accessories, and request your support in this effort. A wide range of consumer and provider organizations, including the undersigned members of the ITEM Coalition, support this policy change and wish to emphasize the importance of protecting patient access to accessories used with both *power* and *manual* CRT wheelchairs.

Regardless of injury, illness, disability, or chronic condition, all Medicare beneficiaries with mobility impairments 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 encourage CMS to permanently exempt components and accessories used with CRT manual wheelchairs from the reduced fee schedule rates tied to the Competitive Bidding Program.**

We greatly appreciate your attention to this important issue. Should you have any further questions regarding the information contained in our letter, please contact the ITEM Coalition

² “New Medicare CRT Supplier Survey Identifies Major Decrease in Access to Critical Components (Accessories) Used with CRT Manual Wheelchairs,” The National Coalition for Assistive and Rehab Technology (NCART), September 2018. Available online at <http://blog.access2crt.org/congress-needs-to-see-new-data-showing-crt-access-issues/>. NCART is an ITEM Coalition member.

coordinators, Peter Thomas and Joe Nahra, at Peter.Thomas@PowersLaw.com and Joseph.Nahra@PowersLaw.com or call 202-466-6550.

Sincerely,

The Undersigned Members of the ITEM Coalition Steering Committee

Amputee Coalition
The ALS Association
Christopher & Dana Reeve Foundation
Paralyzed Veterans of America
Spina Bifida Association
United Spinal Association