



December 19, 2022

The Honorable Chiquita Brooks-LaSure
Administrator
Centers for Medicare and Medicaid Services
7500 Security Boulevard
Baltimore, MD 21244

The Honorable Meena Seshamani
Director, Center for Medicare
Centers for Medicare and Medicaid Services
7500 Security Boulevard
Baltimore, MD 21244

Re: Medicare Coverage of Low Vision Aids

Dear Administrator Brooks-LaSure and Director Seshamani:

On behalf of the Independence Through Enhancement of Medicare and Medicaid (ITEM) Coalition's Low Vision Group, we write to urge you and your colleagues at the Centers for Medicare and Medicaid Services (CMS) to advance policies to increase Medicare beneficiary access to low vision aids in the new year. 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.

In February of this year, members of the ITEM Coalition met with senior advisors to Dr. Seshamani to discuss the importance of expanding coverage for low vision aids and the inequities in access to low vision care and devices throughout the Medicare population. In particular, we discussed numerous studies detailing racial and ethnic disparities in both prevalence of low vision and related conditions (including diabetic retinopathy, glaucoma, cataracts, and more) and access to and use of low vision aids, especially among Medicare beneficiaries. Notably, these disparities do not exist in the use of low vision rehabilitation services, which are currently covered by Medicare.

While we appreciate that the agency has had an extensive and diverse range of issues on its docket this year, we have unfortunately not seen CMS take action to advance vision care under Medicare within the existing statutory bounds of the program. In the absence of legislative action to offer new Medicare benefits, CMS has still made advances in expanding dental and hearing care, through new provisions in the Physician Fee Schedule to allow payment for certain dental services and expanding the National Coverage Determination for cochlear implants, respectively. In 2023, CMS can make similar strides in supporting beneficiaries with visual impairments by rescinding the low vision aid exclusion and opening the door for the agency to evaluate individual low vision aids and their appropriateness for Medicare coverage.

We recognize that this decision may take time, and CMS is likely well along in the development of this year's Durable Medical Equipment, Prosthetics, Orthotics, and Supplies (DMEPOS) proposed rule. While we hope to see movement towards rescinding the low vision aid exclusion next year, ***we recommend that CMS consider including in the FY 2023 DMEPOS payment rule a solicitation of public comment regarding the low vision aid exclusion and potential coverage of low vision aids and devices in the Medicare program in the form of a non-binding***

Request for Information (RFI). Such a request would offer an opportunity for stakeholders representing patients, providers, and the disability community to have a forum to provide the agency with further clinical and scientific evidence regarding potential coverage of these devices. Opening a dialogue with the agency and stakeholders including the ITEM Coalition would be an important first step towards advancing appropriate, evidence-based coverage policies for the low vision population.

In the meantime, we offer two previous communications with the agency that further detail the need for action in this area. First, the ITEM Coalition’s public comments on the 2021 DMEPOS proposed rule, included here as Attachment 1, detail specific clinical data regarding the prevalence of low vision among Medicare beneficiaries, the impact of low vision, and the benefits of low vision devices. Second, we call your attention to an August 2022 letter from Representatives Kim Schrier, Tom O’Halloran, Elissa Slotkin, and Suzan DelBene (Attachment 2), calling on CMS to rescind the low vision aid exclusion through notice-and-comment rulemaking to ensure that Medicare beneficiaries with visual impairments can access the devices they need along with low vision rehabilitation services.

As CMS looks towards the release of the next DMEPOS proposed rule, and towards further advancing health equity in 2023, **we urge you and your colleagues to support beneficiaries with low vision by rescinding the low vision aid exclusion.**

Thank you for your consideration of our request. Should you have any further questions regarding this issue, please contact Joe Nahra, ITEM Coalition Co-Coordinator, by email at Joseph.Nahra@PowersLaw.com or call 202-349-4243.

Sincerely,

The Undersigned Members of the ITEM Coalition

American Academy of Ophthalmology
American Council of the Blind
American Macular Degeneration Foundation
American Optometric Association
Assistive Technology Industry Association
EyeSight Foundation of Alabama
Prevent Blindness
The Support Sight Foundation
The Vision Council
VisionServe Alliance

CC:

Liz Richter, Deputy Director, Center for Medicare, CMS
Cheri Rice, Deputy Director, Center for Medicare, CMS
Jason Bennett, Director, Technology, Coding, and Pricing Group, Center for Medicare, CMS
Kristi Martin, Senior Advisor, Center for Medicare
Douglas Jacobs, Chief Transformation Officer, Center for Medicare

Attachment 1: ITEM Coalition Low Vision Group Comments on DMEPOS Proposed Rule, January 2021

Attachment 2: Congressional Letter to CMS on Rescinding Low Vision Aid Exclusion, August 2022