



March 31, 2017

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

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

The Honorable Paul Ryan (WI-1)
U.S. House of Representatives
Speaker of the House
Washington, D.C. 20515

The Honorable Nancy Pelosi (CA-12)
U.S. House of Representatives
Minority Leader
Washington, D.C. 20515

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

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

The Honorable Kevin Brady (TX-8)
U.S. House of Representatives
Chair, Ways and Means Committee
Washington, D.C. 20515

The Honorable Richard Neal (MA-1)
U.S. House of Representatives
Ranking Member, Ways and Means Committee
Washington, D.C. 20515

The Honorable Greg Walden (OR-2)
U.S. House of Representatives
Chair, Energy & Commerce Committee
Washington, D.C. 20515

The Honorable Frank Pallone (NJ-6)
U.S. House of Representatives
Ranking Member, Energy & Commerce Committee
Washington, D.C. 20515

Re: Please Pass H.R. 1361/S. 486 This Year—*Ensuring Access to Complex Rehab Technology (CRT) Wheelchairs and Components for Medicare beneficiaries with Disabilities and Chronic Conditions*

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 strongly urge Congress to pass H.R. 1361/S. 486, which would *permanently exempt Complex Rehab Technology (CRT) wheelchairs and components for people with disabilities and chronic conditions from Medicare's Competitive Bidding program*. This important legislation will protect Medicare beneficiary access to both power and manual complex rehab technology, as well as essential components known as wheelchair "accessories."

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, paralysis, hearing and speech impairments, cerebral palsy, visual impairments, spinal cord injuries, brain injuries, stroke, spina bifida, myositis, limb loss, Osteogenesis Imperfecta (“OI”), vision loss, 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.

Action is urgently needed to permanently help Medicare beneficiaries who are power and manual CRT wheelchair users obtain the accessories and components they need. Inaction by the previous Administration on this issue has left our members with no choice but to turn to legislative solutions to this perennial problem. Concurrently to this legislative solution, we are pursuing an Administrative solution and contacting Department of Health and Human Services Secretary Tom Price to ask his department to revisit this issue and take action under its own authority to protect patient access to all CRT. However, we believe strong Congressional support for this important fix is needed, and we are supporting this legislation to ensure that Medicare beneficiaries who are power and manual CRT wheelchair users obtain the accessories and components they need.

To that end, H.R. 1361/S. 486 provides a comprehensive solution to this perennial problem that impacts people with disabilities and chronic conditions who are enrolled in the Medicare program. We are grateful for your previous actions to delay the application of Medicare’s Durable Medical Equipment Prosthetics Orthotics and Supplies (DMEPOS) Competitive Bidding Program (CBP) pricing, which you delayed through the passage of S.2425, the *Patient Access and Medicare Protection Act of 2015*, passed in December 2015, and later extended with the passage of Section 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. They postponed 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, unless Congress or the Administration acts by this impending deadline.

Findings from previous efforts support the need for Congressional 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 report released a report to Congress in June 2016 entitled, “Utilization and Expenditures for Complex Wheelchair Accessories,”¹ that clearly states:

¹ GAO-16-640R Medicare

- Congress passed legislation in 2008, the Medicare Improvements for Patients and Providers Act (MIPPA), which excluded CRT power wheelchairs and accessories from the CBP;
- CRT refers to both CRT power and CRT manual wheelchairs which vary greatly and differ regarding functional capacity depending on which components are added;
- CRT wheelchairs and accessories are different from standard wheelchairs; and,
- The number of beneficiaries with disabilities using either complex power or complex manual wheelchairs is roughly equal.

The report supports the conclusion that H.R. 1361/S. 486, which permanently exempts both CRT manual and CRT power wheelchairs and accessories from the CBP, must be passed into law.

We are writing to express our strong support for this legislation and to emphasize the importance of protecting patient access not just to accessories used with complex rehab *power* wheelchairs, but also to those used on complex rehab *manual* wheelchairs for all of our members across all 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 pass H.R. 1361/S. 486 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 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

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

ITEM Coalition General Membership

American Congress of Community Supports & Employment Services (ACCSES)
 American Academy of Physical Medicine & Rehabilitation
 American Association on Health and Disability
 American Cochlear Implant Alliance
 American Congress of Rehabilitation Medicine
 American Medical Rehabilitation Providers Association

American Physical Therapy Association
American Therapeutic Recreation Association
Association for Education and Rehabilitation of the Blind and Visually Impaired (AER)
Association of Assistive Technology Act Programs
Brain Injury Association of America
Caregiver Action Network
Clinician Task Force
Institute for Matching Person & Technology, Inc.
Lakeshore Foundation
National Association for the Advancement of Orthotics and Prosthetics
National Association of State Head Injury Administrators
National Disability Rights Network
Spina Bifida Association
The Arc of the United States
The Simon Foundation for Continence
Unite 2 Fight Paralysis
United Cerebral Palsy

cc: Senate Finance Committee Members
House Ways & Means Committee Members
House Energy & Commerce Committee Members
Rep. Lee Zeldin, Original Co-sponsor, H.R. 1361
Rep. John Larson, Original Co-sponsor, H.R. 1361
Sen. Rob Portman, Original Co-sponsor, S. 486
Sen. Bob Casey, Original Co-sponsor, S. 486