



April 27, 2017

Re: Access to Assistive Devices under ACA Replacement Legislation

Dear Member of Congress:

The undersigned organizations are writing as members of the Independence Through Enhancement of Medicare and Medicaid (ITEM) Coalition to express our deep concerns about repealing or modifying key provisions of the Affordable Care Act (ACA) that could severely limit continued access to assistive devices for people with disabilities.

The ITEM Coalition is a national consumer and clinician-led coalition advocating for access to and coverage of assistive devices, technologies, and related services 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, spinal cord injuries, brain injuries, stroke, paralysis, limb loss, cerebral palsy, hearing and speech impairments, visual impairments, vision loss, spina bifida, myositis, and other life-altering conditions.

The Affordable Care Act established an Essential Health Benefits (EHB) package that included the category of “rehabilitative and habilitative services and devices” (ACA Section 1302(b)). This statutory language, and subsequent federal regulations, created a national standard that states adopted with some degree of flexibility for coverage of these important benefits and facilitated access to and coverage of assistive devices in both individual and small group market plans, as well as Medicaid expansion programs. The ACA also contains requirements for community rating of health insurance premiums which is critical to meaningful and effective pre-existing condition protections.

The ITEM Coalition has significant concerns with key provisions of health care reform legislation that seeks to repeal and replace the ACA. Specifically, the ITEM Coalition has grave concerns that individuals our member organizations represent will be left without coverage of these critical assistive devices when they need them most. Access to assistive devices such as wheelchairs and other durable medical equipment, complex rehabilitation technology, prosthetic limbs, orthotic braces, walking aides, vision and hearing devices, cochlear implants, augmentative communication devices, and many other assistive technologies is at serious risk.

Americans in need of assistive devices, technologies, and related services rely on their health care coverage to reacquire skills and functions lost or impaired due to injury, illness or disability. Such devices are critical to maintaining health, function and independent living and can help reduce long-term disability and dependency costs to society.

The ACA helps guarantee that individuals can obtain coverage of these vital services and devices when they need them. The undersigned members of the ITEM Coalition firmly believe that

repealing or changing key provisions of the Affordable Care Act in a manner that would not preserve access to assistive devices, technologies, and related services would turn back the clock on children and adults with injuries, illnesses, disabilities and chronic conditions.

For these reasons, the ITEM Coalition strongly urges Congress to maintain the federal standard for EHB coverage, specifically, coverage of “rehabilitative and habilitative services and devices.” We also urge Congress to maintain protections for pre-existing conditions and community rating of insurance premiums. Any ACA repeal and replacement legislation should, at a minimum, work to preserve these important federal standards.

Thank you for your consideration of our concerns. 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 (Peter.Thomas@powerslaw.com, 202-466-6550) or Leif Brierley (Leif.Brierley@powerslaw.com, 202-466-6550).

Sincerely,

ITEM Coalition Steering Committee Members

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

Undersigned Members of the ITEM Coalition

Academy of Spinal Cord Injury Professionals
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 Music Therapy Association
American Network of Community Options and Resources
American Occupational Therapy 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
Center for Medicare Advocacy
Clinician Task Force
Epilepsy Foundation
Hearing Loss Association of America
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Lakeshore Foundation
National Association for the Advancement of Orthotics and Prosthetics
National Council on Independent Living
Rehabilitation Engineering and Assistive Technology Society of North America
Spina Bifida Association
The Arc of the United States
The Myositis Association
The Simon Foundation for Continence
Unite 2 Fight Paralysis
United Cerebral Palsy

cc:

Senate Leadership
House Leadership
Senate Finance Committee
Senate Health, Education, Labor & Pensions Committee
House Ways & Means Committee
House Energy & Commerce Committee