

From: Thomas, Peter

Sent: Friday, December 20, 2019 5:26 PM

To: CMS Staff

Subject: ITEM Coalition: Standing Feature/Seat Elevation Evidence and Coverage Request

Importance: High

Drs. Goodrich and Miller:

On behalf of the Independence Through Enhancement of Medicare and Medicaid (ITEM) Coalition, I wanted to follow up on our past meetings regarding Medicare coverage of seat elevation and standing feature in power wheelchairs. As you may remember, representatives of the ITEM Coalition and other stakeholders have met extensively with staff at HHS and CMS to discuss the inclusion of these features in Medicare's coverage of the Durable Medical Equipment, Prosthetics, Orthotics, and Supplies (DMEPOS) benefit.

- August 7, 2018, we first sent comprehensive letters to CMS and HHS, addressed to Secretary Azar and Administrator Verma, requesting that CMS review, reconsider, and revise its policy related to Medicare coverage of these features.
- On October 3, 2018, members of the ITEM Coalition met with Dr. Goodrich and senior program staff at the Center for Clinical Standards and Quality.
- On February 1, 2019, we participated in a follow-up conference call with Demetrios Kouzoukas and his senior CMS staff.
- On April 25th, 2019, we met with Gary Beck in the office of Intergovernmental and External Affairs to discuss this same issue, in lieu of a meeting with Secretary Azar.
- On May 22, 2019, we met with Paul Mango to discuss this same issue.
- On July 23, 2019, we met with Elizabeth Richter and senior staff in her department, including Dr. Miller, Jeanette Kranacs, Hillary Loeffler, and Joel Kaiser.
- In September of this year, we received a call from Ms. Kranacs and Ms. Loeffler, updating us on the status of our request. They relayed that due to internal deliberations on the impact of the Supreme Court's ruling in *Azar v. Allina Health Services*, they were still reviewing our request and determining the agency's next steps.

At our last in-person meeting, Dr. Miller had requested we share any additional studies constituting the scientific evidence base for the medical benefits of these features. Attached are five documents outlining this evidence.

1. The first attachment is a study conducted by researchers at Georgia Tech University analyzing the everyday use of power adjustable seat height (PASH) systems, published in August 2019.
2. The second is a position paper released in September 2019 by the Rehabilitation Engineering and Assistive Technology Society of North America (RESNA) outlining clinical and professional practice recommendations on the application of seat elevation devices for power wheelchair users.
3. The third is a similar position paper by RESNA on recommendations for the application of standing feature devices for power wheelchair users, originally published in 2009. This document is undergoing a significant review and update by RESNA, and we expect an

updated version to be released in 2020. We will of course share that new document with CMS when it is made available.

4. The fourth is a review of the literature, also published by RESNA in 2013, on power wheelchair standing feature devices.
5. Finally, we have also attached a bibliography summarizing approximately 20 additional studies on the benefits of both standing and seat elevation devices, in no particular order. For each study, we have included a full citation and hyperlink to the study online, as well as the abstract for each study. Approximately half of the studies are available for free online, and we have included direct links to the PDFs. The other half are published by journals requiring a subscription for individual purchase. HHS/CMS may have access to these studies through agency subscriptions; if not, we are more than happy to purchase access and share them with relevant agency staff.

We hope that these studies will provide a full overview of the current literature regarding the medical and functional benefits of seat elevation and standing feature in power wheelchairs. We therefore reiterate our request that CMS review its current contractors' benefit category determination (BCD) and establish standing feature and seat elevation in power wheelchairs as primarily medical in nature and, therefore, covered under the durable medical equipment benefit. CMS should then reactivate the existing HCPCS codes for these features, establish reasonable reimbursement levels, and develop a coverage policy that meets the needs of individual Medicare beneficiaries with mobility impairments based on each patient's unique medical and functional circumstances.

Please do not hesitate to contact me directly at my email listed below or by calling 202-872-6730. On behalf of the ITEM Coalition and the ITEM Coalition Steering Committee which is copied on this email, we look forward to following up with CMS early in the new year. Happy holidays.

Sincerely,

Peter Thomas
ITEM Coalition Coordinator

Peter W. Thomas, Principal

POWERS

Powers Pyles Sutter & Verville PC

1501 M Street NW, Seventh Floor | Washington, DC 20005-1700

dir 202.872.6730 | fax 202.785.1756 | tel 202.466.6550

Peter.Thomas@ppsv.com | www.ppsv.com

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