

House of Representatives Sign-On Letter to Protect Access for People with Disabilities

August 5, 2020- Representatives John Larson (D-CT) and Lee Zeldin (R-NY) are looking for fellow House Members to join them in signing a bipartisan letter to CMS to ensure people with disabilities who use Complex manual wheelchairs are treated the same as those using Complex power wheelchairs, as Congress intended and affirmed in a House vote in 2019. Members wishing to sign-on can contact Curtrice.Dorsey@mail.house.gov in Representative Larson's office or Sarah.Talmage@mail.house.gov in Representative Zeldin's office. The deadline for signatures is Friday September 18, 2020.

Text of Bipartisan House of Representatives Letter to be Sent to CMS

Dear Administrator Verma:

As champions for people with disabilities in our communities, we write today to respectfully request that you take action to provide equitable access for Medicare beneficiaries who require Complex Rehabilitative (Complex) wheelchairs and accessories.

Complex wheelchairs and accessories are used by people with significant disabilities including spinal cord injury, ALS, Multiple Sclerosis, and other serious conditions. These individually configured mobility and seating systems allow this small group of beneficiaries—representing just 7% of all Medicare manual wheelchair users—to manage their medical needs and fully participate in their lives. Without Complex wheelchairs, many would be bed confined. Of note, these Complex wheelchairs have taken on even more importance in helping people with disabilities manage the challenges and risks of the COVID-19 pandemic.

In 2017, CMS acted—at the urging of Congress—by issuing a policy clarification to ensure that Medicare beneficiaries relying on Complex POWER wheelchair accessories could continue to access them. However, this did not address Complex MANUAL wheelchair accessories. To address this gap, in December 2019, Congress passed language from H.R. 1865 to make clear that our intent was for Power and Manual Complex wheelchair accessories to be treated the same. Complex wheelchairs and accessories are critical to allow people with severe disabilities the ability to participate fully in their own lives. These devices are not off-the-shelf commodity items and Competitive Bidding Program (CBP) pricing for Standard wheelchair accessories should not be applied to much different Complex wheelchair accessories.

Complex wheelchair accessories are highly tailored, individualized products that perform critical functions for the Medicare beneficiaries. Unlike what the name implies, “accessories” are not nice-to-have items, but instead, provide important benefits like preventing skin pressure sores, positioning/supporting the person upright so they can breathe, and allowing the operation of the wheelchair to be tailored to their physical limitations.

We believe protection from CBP pricing should apply equally to both Complex Rehabilitative power and manual wheelchair accessory users and respectfully request that you take action to make this change permanent for Complex Rehabilitative manual wheelchair users as you did in 2017 for Complex Rehabilitative power wheelchair users.

Sincerely,

John Larson

Lee Zeldin