

Congress of the United States

Washington, DC 20510

June 21, 2021

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

Dear Administrator Brooks-LaSure:

As champions for people with disabilities in our communities, we write today to respectfully request that you take needed action before June 30, 2021 to provide equitable access for Medicare beneficiaries who require Complex Rehabilitative (Complex) wheelchairs and accessories. This request is also echoed through comments submitted to CMS from the national disability organizations on behalf of their impacted members, including the ALS Association, Christopher and Dana Reeve Foundation, National Multiple Sclerosis Society, Paralyzed Veterans of America, and the United Spinal Association.

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 in H.R. 1865 to make clear that our intent was for both Complex Power and Complex Manual wheelchair accessories to be treated the same. The legislation included a provision suspending CMS' application of Medicare's Competitive Bidding Program (CBP) pricing information to Complex Manual wheelchair accessories until June 30, 2021, to allow CMS to take the same permanent action it did in 2017 for Complex Power wheelchairs.

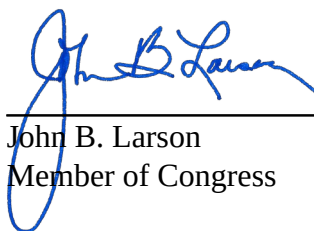
Complex wheelchairs and accessories are critical to allow people with severe disabilities the ability to participate fully in their own lives and manage their healthcare needs. These devices are not off-the-shelf commodity items and CBP pricing for Standard wheelchair accessories should not be applied 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 and medical needs.

We believe protection from CBP pricing should apply equally to both Complex Rehabilitative Power and Manual wheelchair accessory users. We respectfully request that you take needed action prior to June 30 to protect access for the Medicare beneficiaries with disabilities who depend on Complex Rehabilitative manual wheelchairs as CMS did in 2017 for Complex Rehabilitative power wheelchair users.

Sincerely,




John B. Larson
Member of Congress



Brian Fitzpatrick
Member of Congress



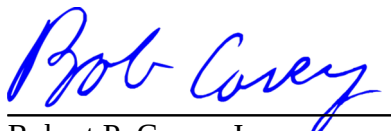
Brendan F. Boyle
Member of Congress



Anna G. Eshoo
Member of Congress



Brian Higgins
Member of Congress



Robert P. Casey, Jr.
United States Senator



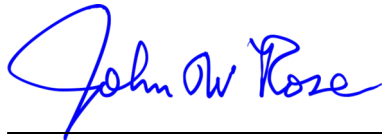
Daniel Meuser
Member of Congress



Dwight Evans
Member of Congress



Charles J. "Chuck"
Fleischmann
Member of Congress



John Rose
Member of Congress



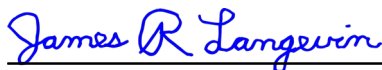
Lee Zeldin
Member of Congress



Dan Newhouse
Member of Congress



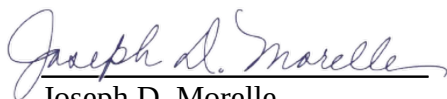
Nikema Williams
Member of Congress



James R. Langevin
Member of Congress



Cindy Axne
Member of Congress



Joseph D. Morelle
Member of Congress



Chellie Pingree
Member of Congress



David N. Cicilline
Member of Congress



Glenn "GT" Thompson
Member of Congress