



CMS Should Take Action to Provide Parity in Complex Wheelchair Access for People with Disabilities

Background

- Complex Rehabilitative (Complex) Wheelchairs and accessories are used by people with high level disabilities such as ALS, cerebral palsy, multiple sclerosis, muscular dystrophy, spinal cord injury, and traumatic brain injury. This specialized equipment is provided through a clinical team and requires evaluation, configuration, fitting, adjustment, or programming to meet the individual's unique medical needs and maximize their function and independence.
- In 2008 Congress included language in the Medicare Improvements for Patients and Providers Act (MIPPA 2008) to specifically exempt Complex Power Wheelchairs and accessories from the Medicare DME Competitive Bidding Program (CBP). As a result, both (a) Complex Power Wheelchairs and accessories and (b) Complex Manual Wheelchairs and accessories were excluded from Medicare CBPs.
- Unfortunately, in 2016 CMS took steps to inappropriately use Medicare CBP pricing to cut payment amounts for accessories used with both Complex Power Wheelchairs and Complex Manual Wheelchairs. This was met with significant protests from national disability and clinician groups.
- In 2017, after significant advocacy and education, Congress and CMS resolved the issue for accessories used with Complex Power Wheelchairs when CMS modified its policy to prevent the application of CBP pricing to those accessories. However, that resolution did not extend to accessories used with Complex Manual Wheelchairs and that part of the issue remained.
- Complex Manual Wheelchairs represent a small percentage (approximately 7%) of the total wheelchairs purchased each year by Medicare but this small group of beneficiaries have significant disabilities.
- In 2019 Congress passed legislation (H.R. 1865) to clarify that the CBP exemption was meant to also apply to Complex Manual Wheelchairs and accessories. The bill also provided an 18-month suspension of CMS applying CBP pricing to Complex Manual Wheelchair accessories through June 30, 2021.
- Federal legislation recognizes that Complex Wheelchairs and accessories (both Power and Manual) are not suitable for CBP inclusion nor should there be any application of CBP pricing to these items.
- It is important to recognize the label "accessories" is a Medicare policy term that does not properly convey that Complex Wheelchair accessories are in fact "critical components" such as seat/back pressure relieving cushions, positioning devices, recline/tilt systems, and specialty controls. These critical components are essential to forming the complete mobility system required to meet the unique medical and functional needs of the beneficiary with a disability.
- **To follow Congressional intent and provide permanent and equal access to both Complex Power and Complex Manual Wheelchairs and accessories CMS should extend the action it took in 2017.**

Request

CMS should replicate the action it took in June 2017 for accessories used with Complex Rehabilitative **Power** Wheelchairs and extend that same policy to accessories used with Complex Rehabilitative **Manual** wheelchairs. This would establish a consistent policy across the fee schedule for all wheelchair accessories and back and seat cushions used in conjunction with Complex Rehabilitative Wheelchairs so that they are based on the unadjusted fee schedule amounts updated by the covered item update specified in section 1834(a)(14) of the Act. This will ensure Medicare beneficiaries with significant disabilities who require Complex **Manual** wheelchairs have the same access as those who use Complex **Power** wheelchairs.