



**CONSORTIUM FOR CITIZENS
WITH DISABILITIES**

January 12, 2018

The Honorable Mitch McConnell (KY)
U.S. Senate
Majority Leader
Washington, D.C. 20510

The Honorable Chuck Schumer (NY)
U.S. Senate
Minority Leader
Washington, D.C. 20510

The Honorable Orrin Hatch (UT)
U.S. Senate
Chair, Finance Committee
Washington, D.C. 20510

The Honorable Ron Wyden (OR)
U.S. Senate
Ranking Member, Finance Committee
Washington, D.C. 20510

The Honorable Paul Ryan (WI-1)
U.S. House of Representatives
Speaker of the House
Washington, D.C. 20515

The Honorable Nancy Pelosi (CA-12)
U.S. House of Representatives
Minority Leader
Washington, D.C. 20515

The Honorable Kevin Brady (TX-8)
U.S. House of Representatives
Chair, Ways and Means Committee
Washington, D.C. 20515

The Honorable Richard Neal (MA-1)
U.S. House of Representatives
Ranking Member, Ways and Means Committee
Washington, D.C. 20515

The Honorable Greg Walden (OR-2)
U.S. House of Representatives
Chair, Energy & Commerce Committee
Washington, D.C. 20515

The Honorable Frank Pallone (NJ-6)
U.S. House of Representatives
Ranking Member, Energy & Commerce
Committee
Washington, D.C. 20515

**Re: Urge passage of H.R. 3730 to protect access to Complex Rehabilitation manual
wheelchair accessories for people with disabilities**

Dear Senators McConnell, Schumer, Hatch and Wyden and Representatives Ryan, Pelosi,
Brady, Neal, Walden and Pallone:

The undersigned member organizations of the Consortium for Citizens with Disabilities write to urge passage of H.R. 3730 in order to protect access to essential components of Complex Rehabilitation manual wheelchairs known as “accessories” for people with significant disabilities.

The Consortium for Citizens with Disabilities (CCD) is a coalition of more than 100 national disability organizations working together to advocate for national public policy that ensures the self-determination, independence, empowerment, integration and inclusion of children and adults with disabilities in all aspects of society.

Complex Rehabilitation Technology (CRT) are medically necessary, individually configured products such as manual and power wheelchairs, adaptive seating systems and alternative positioning systems that keep people with significant disabilities such as Amyotrophic Lateral Sclerosis (ALS), spinal cord injury, multiple sclerosis (MS) and muscular dystrophy healthy and independent. CRT accounts for less than ten percent of Medicare's wheelchair expenditures. For this small population with such progressed disabilities, these products cannot be utilized and are not beneficial unless they have essential components—coined “accessories”—such as head support systems, specialized seat cushions, sip and puff interfaces or tilt-and-recline features. As an example, someone with progressed multiple sclerosis who has lost feeling and function below the neck literally could not operate/move a CRT chair unless s/he has a head control interface. Similarly, that same individual could not safely remain in the chair within a trunk support system and would experience painful and costly pressure sores without a specialized seat cushion and a tilt-and-recline feature.

In 2008, Congress passed the Medicare Improvements for Patients and Providers Act (MIPAA) and in doing so, specifically exempted Complex power wheelchairs and accessories from Medicare's Competitive Bidding Program. Congressional language in 2008 was limited to Complex power wheelchairs and accessories (and did not reference manual wheelchairs) since only power wheelchairs were being included in Competitive Bidding at that time. Congress' rationale for exempting these Complex Rehabilitation products was that they are individually configured for the unique needs of a very small but vulnerable population whose access should not be disrupted. CRT is not suitable for inclusion in Competitive Bidding.

In late 2015, the Centers for Medicare and Medicare Services (CMS) announced that it planned to apply Competitive Bidding pricing to Complex Rehab wheelchair accessories starting January 1, 2016. Fortunately, hearing consumers' severe concerns about how this would negatively impact access to CRT accessories, Congress enacted a series of delays prohibiting CMS from applying Competitive Bidding pricing to Complex power wheelchair accessories. And in June 2017, CMS announced that it would not apply Competitive Bidding pricing to Complex Group 3 power wheelchair accessories.

The disability community is grateful for Congress's delays and CMS's June 2017 policy change to protect power Complex power accessories. But, that action did not fix the issue for Complex manual accessories and Competitive Bid pricing are still being applied to them. From the consumer perspective, it is essential people with disabilities have equal access to these accessories regardless of being in a Complex power wheelchair or a Complex manual wheelchair. That's the basis for H.R. 3730. Furthermore, keeping traditional Medicare rates for Complex manual accessories will help keep the small number of manufacturers and suppliers providing these highly customized products in business—preserving access. And it will keep individual and healthcare system costs down by enabling people with significant disabilities to get the wheelchair and accessories that meet their unique needs—keeping them as healthy as possible and avoiding painful and costly incidents like pressure sores.

The undersigned organizations therefore urge Congress to pass H.R. 3730 in order to resolve the existing inequity and ensure people with disabilities who require Complex manual wheelchairs have the same access to critical wheelchair components as someone who requires a Complex power wheelchair.

Sincerely,

ACCSES

American Academy of Physical Medicine and Rehabilitation (AAPM&R)

American Association on Health and Disability

American Congress of Rehabilitation Medicine (ACRM)

American Medical Rehabilitation Providers Association (AMRPA)

American Network of Community Options and Resources (ANCOR)

American Occupational Therapy Association (AOTA)

American Physical Therapy Association (APTA)

American Therapeutic Recreation Association (ATRA)

Association of University Centers on Disabilities

Association of Assistive Technology Act Programs (ATAP)

Autism Society of America

Autistic Self Advocacy Network (ASAN)

Brain Injury Association of America (BIA)

Christopher & Dana Reeve Foundation

Disability Rights Education & Defense Fund

Easter Seals

Family Voices

Justice in Aging

Lutheran Services in America Disability Network

The Michael J. Fox Foundation for Parkinson's Research

National Association for the Advancement of Orthotics & Prosthetics (NAAOP)

National Association of Councils on Developmental Disabilities

National Association of State Directors of Special Education

National Association of State Head Injury Administrators

National Council on Independent Living (NCIL)

National Disability Rights Network

National Health Law Program

National Multiple Sclerosis Society

National Respite Coalition

Paralyzed Veterans of America (PVA)

RESNA

TASH

The Arc of the United States

United Spinal Association

CC: Sen. Casey (PA)
Sen. Portman (OH)
Rep. Zeldin (NY-1)
Rep. Larson (CT-1)