



DRAFT

June 28, 2024

The Honorable Chiquita Brooks-LaSure
Administrator
Centers for Medicare and Medicaid Services
U.S. Department of Health and Human Services
7500 Security Boulevard
Baltimore, MD 21244

Re: The 34th Anniversary of the Americans with Disabilities Act and Pending National Coverage Analysis for Standing Systems in Power Wheelchairs

Dear Administrator Brooks-LaSure:

The undersigned members of the Independence Through Enhancement of Medicare and Medicaid (“ITEM”) Coalition write to again urge the Centers for Medicare and Medicaid Services (“CMS”) to proceed expeditiously with opening for public comment the pending National Coverage Analysis (“NCA”) for standing systems in Group 3 power wheelchairs. As the 34th anniversary of the Americans with Disabilities Act (“ADA”) approaches on July 26th, we believe there is no better way to celebrate the successes of this landmark civil rights law for people with disabilities over the past nearly three and a half decades than for CMS to open this critically important NCA to address the mobility needs of individuals with disabilities.

The ITEM Coalition—comprised of nearly 100 national organizations that seek to improve access to and coverage of assistive devices and technologies that enhance the function of people with disabilities and chronic conditions of all ages—has long advocated for the coverage of standing systems in powered wheelchairs. While the landmark National Coverage Determination (“NCD”) on power seat elevation systems that was finalized on May 16, 2023, is being warmly embraced by the disability and rehabilitation communities, we continue to urge CMS to open the separate NCA for power standing systems in Group 3 power wheelchairs that was submitted to CMS nearly four years ago to ensure that Medicare beneficiaries can access necessary standing systems as well.

For individuals who spend large parts of their day in a seated position, the value of being able to stand, bear weight on the lower limbs, allow gravity to aid in metabolic functions, and enable the performance of Mobility Related Activities of Daily Living (MRADLs) is well established in the clinical literature. Coverage of standing systems in power wheelchairs would significantly improve the health, function, and quality of life of Medicare beneficiaries with significant mobility disabilities such as spinal cord injury, paralysis, Multiple Sclerosis, amyotrophic lateral sclerosis, muscular dystrophy, limb amputation, and other mobility-related conditions.

As you know, CMS elected to split the seat elevation and standing system coverage requests submitted by the ITEM Coalition into separate NCDs, evaluating only seat elevation, and declining to set a schedule for reviewing standing systems pending further consideration. Nearly four years after our original submission, and after additional submissions of updated clinical studies and data earlier this year, we remain seriously concerned with CMS's indefinite delay in considering the evidence for coverage of power standing systems.

The ITEM Coalition implores the agency to open the pending NCA for power standing systems at the earliest possible opportunity, July 26th being a symbolic date to coincide with the anniversary of the ADA. The spirit of the ADA is one of inclusion, self-determination, non-discrimination, and equal opportunity for individuals with disabilities to participate in and benefit from the goods and services offered in society. We believe that granting coverage of standing systems in Group 3 powers wheelchairs is crucial to help ensure that Medicare beneficiaries with mobility impairments are able to live as independently as possible, maintain and improve their health and function, and perform or participate in MRADLs in their homes.

Power standing systems have been available to individuals with mobility disabilities since the late 1970's and are covered by the Veterans Administration. Yet, Medicare beneficiaries have been deprived of access to this technology to date. Now is the time for Medicare—the largest health care payer in the country—to finally cover power standing systems in Group 3 power wheelchairs for beneficiaries who need them.

We greatly appreciate your support on these critical issues and your longstanding leadership on behalf of people with disabilities. We look forward to continuing our work with your office to secure Medicare coverage of standing systems in Group 3 power wheelchairs as soon as possible. Should you have any additional questions, please do not hesitate to reach out to ITEM Coalition co-coordinators Peter.Thomas@PowersLaw.com or Michael.Barnett@PowersLaw.com, or by calling 202-466-6550.

Sincerely,

The Undersigned Members of the ITEM Coalition and Other Supporting Organizations

ALS Association
American Academy of Physical Medicine and Rehabilitation
American Association for Homecare
American Association on Health and Disability
American Cochlear Implant Alliance
ACCSES
American Congress of Rehabilitation Medicine
American Medical Rehabilitation Providers Association
American Music Therapy Association
American Occupational Therapy Association
American Physical Therapy Association

American Speech-Language-Hearing Association
American Therapeutic Recreation Association
Amputee Coalition
The Arc of the United States
Assistive Technology Industry Association
Association of Assistive Technology Act Programs
Association for Education and Rehabilitation of the Blind and Visually Impaired
Association of University Centers on Disabilities
Blinded Veterans Association
Brain Injury Association of America
The Buoniconti Fund
Caregiver Action Network
Center for Medicare Advocacy
Child Neurology Foundation
Christopher and Dana Reeve Foundation
Clinician Task Force
Council of State Administrators of Vocational Rehabilitation
Cure SMA
Disability Rights Education and Defense Fund
Easterseals DC MD VA
Lakeshore Foundation
Institute for Matching Person and Technology
Medicare Rights Center
The Miami Project to Cure Paralysis
National Association for the Advancement of Orthotics and Prosthetics
National Association for Home Care and Hospice
National Association for the Support of Long Term Care
National Association of Councils on Developmental Disabilities
National Association of Rehabilitation Research and Training Centers
National Coalition of Assistive and Rehab Technology
National Council on Independent Living
National Disability Rights Network
National Registry of Rehab Technology Suppliers
Paralyzed Veterans of America
Rehabilitation Engineering and Assistive Technology Society of North America
Spina Bifida Association
Team Gleason
Unite 2 Fight Paralysis
United Cerebral Palsy
United Spinal Association
The Viscardi Center

Additional Supporting Organizations

American Spinal Injury Association
Child Neurology Society

Falling Forward Foundation
National Association of State Head Injury Administrators
National Disability Institute