

COMMITTEE ON WAYS AND MEANS

U.S. HOUSE OF REPRESENTATIVES

WASHINGTON, DC 20515

November 17, 2015

Mr. Andy Slavitt
Acting Administrator
Centers for Medicare & Medicaid Services
Department of Health and Human Services
200 Independence Avenue SW
Washington, DC 20201

Dear Mr. Slavitt:

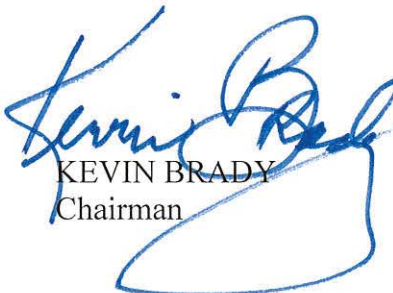
We write to you today concerning proposed changes to payments for accessories related to Complex Rehabilitation Technology (CRT), specifically *complex rehabilitative power wheelchairs*. As you know, the Social Security Act excludes certain complex rehabilitative power wheelchairs and related accessories from competitive bidding.

The changes, as finalized in regulation and clarified in a Frequently Asked Questions (FAQ) document, require the DME fee schedule to take into consideration the competitive bidding pricing for those accessories not competitively bid. We understand your actions to apply competitively bid prices to DME accessories. However, we have concerns that accessories that are used exclusively for these complex rehabilitative power wheelchairs may be lumped into this policy. Making broad changes to the payments for these accessories may result in unacceptable access issues for beneficiaries.

In response to these concerns, we request that CMS provide a list of the DME items, by HCPCS codes, that would have Medicare payment affected by this rule. For each item, we ask CMS to provide: (1) an indication of whether the items are used solely in conjunction with CRT or are used with both CRT and non-CRT DME, and (2) most recent data for total annual Medicare spending on each item. If CMS continues with this policy and releases payment information accordingly, we also request by item the previous Medicare payment amount and the new payment amount under these codes, and the beneficiary's cost sharing responsibility under the old and new payment amounts.

In addition, we further urge CMS to take the steps necessary to code the CRT-only items separately so that, as dictated by statute, these accessories are exempted from the competitive bidding pricing.

Sincerely,


KEVIN BRADY
Chairman


SANDER M. LEVIN
Ranking Member