

Congress of the United States

Washington, DC 20515

September 13, 2022

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

Dear Administrator Brooks-LaSure,

I am writing in reference to the pending Request for Reconsideration of the National Coverage Determination (NCD) for Mobility Assistive Equipment, which seeks to advance affirmative coverage for power seat elevation and standing systems in power Complex Rehabilitation Technology (CRT) wheelchairs.

Despite these systems' widespread benefits that improve the health and independent function of mobility-impaired individuals, Medicare currently does not consider them to qualify as durable medical equipment and, therefore, does not cover these benefits. In an effort to change this, a coalition of patients, providers, researchers, and other subject matter experts submitted a formal reconsideration request in September 2020 to advance an affirmative coverage policy under the Medicare program.

In November 2020, CMS certified this request as complete, yet for nearly two years, the agency failed to open a National Coverage Analysis for public comment, which is the next step in the formal reconsideration process. During that period, I led two bipartisan congressional letters urging your agency to move forward with the process, and I further reiterated my support on our May 9, 2022, phone call.

During our phone call, you informed me that CMS was prepared to open the formal reconsideration request for public comment by the end of the summer. As I understand, you also spoke with several of my colleagues in the U.S. Senate, to whom you relayed the same message, while further specifying that CMS would open the request in August 2022. Unfortunately, CMS did not entirely follow through on this commitment.

On August 14, 2022, CMS opened a National Coverage Analysis for coverage of power seat elevation systems, but announced that the benefit category and coverage of standing systems will be considered at a later date. While I commend CMS for moving forward to the next step of the reconsideration process for power seat elevation and urge CMS, within all applicable rules and regulations, to make a favorable determination of coverage for power seat elevation systems, I am disappointed with the agency's decision to bifurcate the initial request and delay consideration of power standing systems without offering a clear explanation as to why.

With that in mind, I respectfully ask that you promptly respond to the following questions:

- Why did CMS choose to bifurcate the requests to advance a coverage policy for power seat elevation systems and power standing systems?
- Why did CMS choose to delay the consideration of evidence for power standing systems, rather than opening both requests for public comment simultaneously?
- What is CMS' timeline for opening a National Coverage Analysis for power standing systems?

Both power seat elevation and power standing systems allow mobility impaired individuals to more fully participate in or perform mobility-related activities of daily living (MRADLs) in their homes. It is therefore imperative for CMS to act expeditiously in opening a National Coverage Analysis for power standing systems, as it has already done for power seat elevation systems.

Thank you for your ongoing work on behalf of Medicare beneficiaries with disabilities. I look forward to your reply.

Sincerely,



James R. Langevin
Member of Congress