

United States Senate

WASHINGTON, DC 20510

September 7, 2023

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

The Honorable Samuel Bagenstos
General Counsel
U.S. Department of Health and Human Services
200 Independence Ave., S.W.
Washington, D.C. 20201

Dear Administrator Brooks-LaSure and Mr. Bagenstos:

We are writing to urge Centers for Medicare and Medicaid Services (CMS) to conduct a full review of its 2005 National Coverage Determination for Mobility Assistive Equipment (MAE) for Medicare beneficiaries, including its interpretation of the “in the home” requirement. Current Medicare coverage limitations on equipment used outside the home can limit patients’ access to mobility equipment and to their communities. While we commend CMS for the recent announcement to cover seat elevation technology in Medicare-covered power wheelchairs, more must be done to ensure beneficiaries can access MAE.

In the 2005 National Coverage Determination and subsequent guidance, CMS has determined that coverage of MAE is reasonable and necessary only for activities of daily living occurring within the home. This interpretation can lead to coverage denials for wheelchair users and cause delays in obtaining appropriate equipment. These delays can result in health injuries and secondary health conditions, increasing costs for the program and taxpayers.

Timely access to MAE can enable beneficiaries with disabilities to fully participate in community life. However, MAE coverage delays and denials continue to limit beneficiaries’ access to appropriate equipment, preventing individuals from full participation in the community.

Access to appropriate equipment is critical for those living with mobility-impairing conditions. We request that CMS comprehensively reassess its 2005 National Coverage Determination for MAE and its interpretation of the “in the home” requirement to ensure that individuals with disabilities have the necessary support to live independently in their communities.

Thank you for considering this request.

Sincerely,



Margaret Wood Hassan
United States Senator



Marsha Blackburn
United States Senator



Robert P. Casey Jr.
United States Senator



Tammy Duckworth
United States Senator