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For Immediate Release

CMS RELEASES FINAL RULE ON ACCREDITATION OF DME SUPPLIERS

PMC Asks Agency “Where’s the Beef” and Calls on Immediate Release of Quality Standards

The Power Mobility Coalition (PMC) expressed frustration over the lack of substance in a recently released rule issued by the Centers for Medicare and Medicaid Services (CMS). The final rule for inpatient rehabilitation facilities which contained provisions regarding accreditation of durable medical equipment (DME) suppliers, including dealers of power mobility devices (PMDs)¹, failed to hit on issues of significant importance, including:

- Rather than publishing the much anticipated quality supplier standards, CMS instead released provisions merely establishing CMS’ right “...to enter into contracts with independent entities to implement the competitive bidding program and plans for competitive bidding education and outreach...”
- While CMS did announce several provisions to “minimize the burden” on suppliers by allowing accreditation organizations to consider previous accreditation, Medicare certification and licensure as indicators that quality standards are met; CMS has yet to finalize what these quality standards are, failed to name the nationally recognized accreditation bodies and continues to indicate that non-accredited DME suppliers would be allowed to participate in the initial competitive bidding rounds.

The delay in the release of quality standards and the perceived “foot dragging” on accreditation is beginning to disturb many in the power mobility community. “Program integrity is paramount to ensure Medicare beneficiaries receive the highest quality of products and services from lawful suppliers,” stated Eric Sokol, Director of the PMC. “Stringent quality standards coupled with mandated accreditation of suppliers will rid the Medicare program of unscrupulous actors and reinforce the integrity of those suppliers who play by the rules.”

Despite a mandate in the Medicare Modernization Act (MMA) passed in 2003, PMD suppliers and manufacturers are still waiting for CMS to take the first real step toward accreditation. Due

¹ See, Inpatient Rehabilitation Facility Prospective Payment System for Federal Fiscal Year 2007; Certain Provisions Concerning Competitive Acquisition for Durable Medical Equipment, Prosthetics, Orthotics, and Supplies (DMEPOS); Accreditation of DMEPOS Suppliers [CMS-1540-F].

to fraud and abuse concerns, CMS implemented the face-to-face examination rule, also mandated by the MMA, as an interim final rule (IFR), thus by-passing meaningful notice and comment. While supportive of the face-to-face provision, most PMD suppliers objected to inclusion of a subjective claims process and lack of a clear documentation requirement in the IFR (and subsequent final rule) that allows CMS contractors to inappropriately deny eligible claims submitted by lawful suppliers.

In the interim, real quality standards and the accreditation process remain in limbo, allowing unscrupulous actors to continue to participate in the Medicare program. “We need effective screens in place to catch those whose sole intent is to rip-off the program,” expressed PMC counsel Stephen M. Azia.

The PMC looks forward to working with CMS to ensure quality standards are disseminated to all PMD suppliers and that all suppliers are aware of the need to get accredited as soon as practicable.

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The Power Mobility Coalition (PMC) is a nationwide association of manufacturers and suppliers of motorized wheelchairs and power operated vehicles based in Washington, DC.