

United States Senate

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August 31, 2006

The Honorable Mark B. McClellan, M.D., Ph.D.
Administrator
Centers for Medicare and Medicaid Services
Hubert H. Humphrey Building
200 Independence Avenue, SW
Washington, D.C. 20201

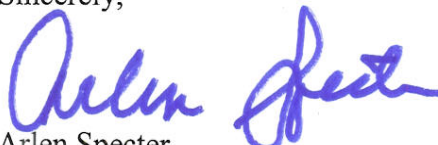
Dear Administrator McClellan:

I am concerned with the scheduled implementation timeframe for the power mobility device coding, local coverage determination (LCD), and fee schedules planned for October 1, 2006. Due to the significant issues that have been raised with the recent releases, especially the health and safety concerns, I strongly urge you to postpone implementation to provide time to resolve these issues so access to medically appropriate equipment is not compromised.

I have worked with the Center for Medicare and Medicaid Services (CMS) to provide equitable coverage and coding changes for power mobility devices for Medicare beneficiaries and power mobility device (PMD) producers. Unfortunately, the new coding, LCD, and fee schedules are being quickly implemented while many are expressing concerns and problems that need to be addressed. I urge that the October 1, 2006, implementation date for the new codes, pricing, and coverage policies be delayed while CMS works with all interested parties to rectify concerns with the LCD, including the inappropriate placement of Medicare beneficiaries in power wheelchairs that will not meet their medical needs. When these concerns are rectified I encourage you to provide a 45-day comment period and a 45-day notice period followed by a 90-day transition period. These adjustments will provide for a transition period for new codes, pricing and coverage policies that will allow for appropriate education and adaptation to the significant changes.

The need for reasonable coding, coverage, and payment rates established in an equitable and sound manner is in the best interests of America's seniors and disabled. I am confident that an appropriate PMD coding, coverage, and payment system can be implemented in a manner that will not jeopardize beneficiary access to the most medically appropriate PMD. Thank you for your attention to this important matter.

Sincerely,



Arlen Specter

AS/jm