

December 8, 2005

Dear PMC Members:

Upon their return to Washington, Congressional leaders have agreed to once again bring the Labor-HHS 2006 Appropriations Bill (H.R. 3010) for a vote before Congress adjourns for their Winter recess. As you know, H.R. 3010 contains a provision that would effectively delay implementation of the interim final rule (IFR) for power mobility devices (PMDs) until April 1st. An earlier provision that would have cut reimbursement for PMDs by .5% to offset the cost of the delay, was stripped from bill language.

While it's still possible that either the House or Senate could vote down the measure (effectively killing the bill and chances for a delay), it is hard to believe that Congressional leaders would bring the bill up if they didn't have the votes for passage. Final votes on the bill are expected next week and, as always, the PMC will keep you up with the status of our Congressional efforts.

Concerning legal efforts to delay the IFR, attached please find the opinion from the US District Court for the District of Columbia denying the PMC's petition for a preliminary injunction. As anticipated, the Court determined that it lacks jurisdiction over our challenge because the procedural and substantive validity of the IFR can be challenged in the context of administrative review of claims denials and ensuing judicial review. The PMC is currently weighing options concerning next steps, including the possibility of appeal.

As always, feel free to contact me if you have any questions or need any further information.

Sincerely,

Eric W. Sokol  
PMC Director