

Advocates for Seniors, Americans with Disabilities Question CMS Action on Medicare

March 25, 2004 - Leading organizations representing senior citizens and Americans with disabilities today questioned whether the latest action by the Centers for **Medicare and Medicaid (CMS)** will actually restore access to **power wheelchairs**.

Last week, **CMS** sent a notification to Capitol Hill saying it would "retract" a policy clarification issued in December. That clarification set a new policy that any patient able to walk a single step, regardless of the threat to their health, could not qualify for a **Medicare** reimbursement for a **power wheelchair**. However, the notification also stated that **CMS** will continue to pay claims as it has prior to and following the December clarification, leaving leaders of organizations representing disabled Americans unclear on whether access to **power wheelchairs** was actually restored.

"The December policy represented a significant departure from prior practice resulting in the wholesale denial of power wheelchairs to beneficiaries who legitimately need such devices," said Andrew J. Imparato, president and CEO of the American Association of People with Disabilities. "We will continue to demand that CMS develop a more reasonable policy that does not punish the people Medicare is intended to help."

Further, Will Thomas, spokesperson for Gray Panthers, said he fears "that CMS's new language is just a facade hiding the fact that the ability of seniors and people with disabilities across the country to live independently is still in jeopardy. We need for CMS to put some substance behind their words. Saying the right thing to Senators and Members of Congress doesn't make up for doing the wrong thing for seniors and people with disabilities who are finding that being able to take one step is apparently one step too many for CMS."

CMS added to the confusion yesterday when one of its contractors published a Medical Policy Update that specifically stated that documentation for prescribing a power wheelchair "has not changed" from their December statement on the issue.

"We are very concerned that nothing has actually changed," said Thomas. "We are pleased that CMS has seen fit to retract its December policy clarification. But it must be replaced with a policy that will allow power wheelchairs to reach the patients who need them. Those patients can't afford to be pawns in a CMS shell game. Their ability to live independent lives should not depend on a whim."

The controversial guidelines established in December negatively impacted many patients, including those with cardiopulmonary disease whose lives could be endangered if they walked. They no longer qualified for power wheelchairs

under Medicare. In addition, patients with progressive neurological diseases, such as multiple sclerosis, could be denied power wheelchairs until they were completely bed or chair confined.

For the past two months, national organizations urged the White House, Congress and the Department of Health and Human Services to persuade CMS to rescind the December policy. But leaders of the organizations say that now the December policy is on the verge of being replaced by one equally as onerous, one with new guidelines intent on easing political pressure on CMS, but not helping patients with disabilities.

"There are many ways that CMS can avoid actually living up to the spirit of the notification sent to Capitol Hill," said Imperato. "One of our concerns is how they handle the issue of documentation. Already, there are indications that they plan to require such arduous documentation to obtain approval for claims that essentially there will be the same impact as the December clarification: restricting access to wheelchairs that can help disabled Americans."

Thomas of the Gray Panthers agreed, noting that it "was very suspicious" that CMS has apparently decided not to issue a press release detailing their latest policy and how it will make actual changes to the December policy. "We obviously need for CMS to clarify what its true intentions are," said Thomas. "And its actions need to follow its words. We cannot settle for less."