

# United States Senate

WASHINGTON, DC 20510

October 14, 2021

The Honorable Chiquita Brooks-LaSure  
Administrator  
Centers for Medicare and Medicaid Services  
U.S. Department of Health and Human Services  
200 Independence Avenue SW  
Washington DC 20201

Dear Administrator Brooks-LaSure:

We write to request that the U.S. Centers for Medicare and Medicaid Services (CMS) act expeditiously to make an affirmative benefit category determination clearly establishing that standing and seat elevation systems embedded in power wheelchairs fall under the definition of durable medical equipment (DME). This urgently needed CMS action would eliminate uncertainty, reduce bureaucracy and align with the statutory interpretation included in a 2014 CMS Administrative Law Judge decision that determined a standing and seat elevation system embedded in a power wheelchair “serves a medical purpose.”

We also strongly urge CMS to amend the National Coverage Determination for Mobility Assistive Equipment (MAE) to affirm Medicare coverage of standing and seat elevation systems embedded in power wheelchairs. This should be followed by CMS developing necessary Local Coverage Determinations to assess the medical necessity for such equipment on an individual basis in accordance with the National Coverage Determination for MAE, while requiring every DME Medicare Administrative Contractor (MAC) rescind all DME coverage articles that state standing and seat elevation systems embedded in power wheelchairs do not primarily serve a medical purpose – an absurd claim that diminishes the lived experiences of certain Medicare beneficiaries that rely on standing and seat elevation systems embedded in power wheelchairs to independently conduct mobility related activities of daily living (MRADLs).

Our request is consistent with an identical request the independent National Council on Disability submitted to CMS in an August 31, 2020 letter. This long overdue CMS action would make sure Medicare beneficiaries with personal mobility deficits receive the reasonable and necessary MAE – standing and seat elevation systems embedded in power wheelchairs – that restore function required to perform MRADLs and avoid medical problems and chronic injuries that may occur when an individual is denied access to a power wheelchair with an embedded standing and seat elevation system.

Sincerely,



Tammy Duckworth  
United States Senator



Marsha Blackburn  
United States Senator



Robert P. Casey, Jr.  
United States Senator