

United States Senate

WASHINGTON, DC 20510

July 13, 2005

The Honorable Michael O. Leavitt
Secretary
Department of Health and Human Services
200 Independence Ave., S.W.
Washington, DC 20001

Re: Reconsideration of the Medicare "In the Home" Requirement on Wheelchair Coverage

Dear Secretary Leavitt:

The undersigned members write to request that you modify the "in the home" requirement in Medicare's wheeled mobility benefit to improve community access for Medicare beneficiaries with mobility impairments.

We commend CMS for its dedication to reducing waste, fraud and abuse in the Medicare system, particularly under the mobility device benefit, and fully support your intention to protect precious Medicare funds and resources. Additionally, we commend the agency for recently taking on the task of creating a new and, hopefully, more appropriate Medicare coverage criteria for mobility devices. However, we are concerned that CMS' current interpretation of the "in the home" requirement may continue to act as an inappropriate restriction in meeting the real-life mobility needs of Medicare beneficiaries with physical disabilities and mobility impairments.

Recently CMS announced a final National Coverage Determination (NCD) for mobility assistance equipment (MAE) that fails to adequately address the concerns of beneficiaries and other parties with the "in the home" restriction.

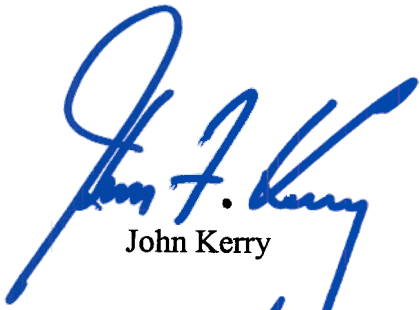
In order to ensure that the "in the home" requirement does not act as a barrier to community participation for Medicare beneficiaries with disabilities and mobility impairments; we ask that you modify this requirement through the regulatory process. Additionally, if your agency concludes that the "in the home" requirement cannot be addressed through the regulatory process, we request that you respond with such information as quickly as possible, so that Congress may begin examining legislative alternatives.

We thank you for your consideration of this matter.

Sincerely,


Jeff Bingaman


Rick Santorum



John Kerry



Johnny Isakson



Joseph I. Lieberman



Sam Brownback



Barbara Mikulski



Jon S. Corzine



Maria Cantwell



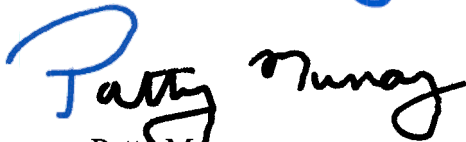
James M. Talent



Edward M. Kennedy



Pat Roberts



Patty Murray



Frank Lautenberg



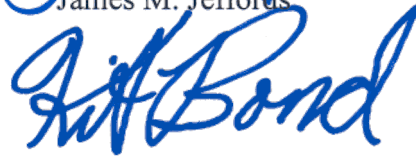
Evan Bayh



James M. Jeffords



Mark Dayton



Christopher S. Bond



Jack Reed



Mike DeWine


Daniel K. Akaka


Arlen Specter *CMS wheelchair coverage*


Mary L. Landrieu


Hillary Rodham Clinton


Debbie Stabenow


Christopher J. Dodd


Charles E. Schumer



John McCain

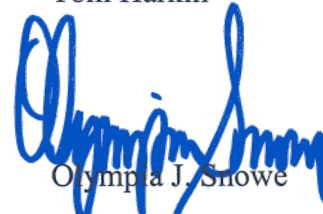

Ron Wyden


Carl Levin


Herb Kohl


Tom Harkin


Patrick J. Leahy


Olympia J. Snowe