



March 12, 2004

VIA FEDERAL EXPRESS AND FACSIMILE

The Honorable Tommy G. Thompson
Secretary
Department of Health and Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201

Re: Power Wheelchairs and POVs – Medicare Coverage Policy Clarification

Dear Secretary Thompson:

On January 23, 2004, we sent you a letter on behalf of a national, consumer-led coalition known as the "ITEM" Coalition, which is an acronym for Independence Through Enhancement of Medicare and Medicaid. The ITEM Coalition has over 70 member organizations, which have joined together to raise awareness and build support for policies that will improve access to assistive devices, technologies and related services for people of all ages with disabilities and chronic conditions.

In our earlier letter, we raised concerns over the implementation of "Power Wheelchairs and POVs – Policy Clarification and Medical Review Strategy" (the "Policy Clarification") issued in December, 2003 and urged you to rescind the Policy Clarification and, in the alternative, issue a proposed policy that seeks public comment. Despite our subsequent telephone contacts to schedule a meeting, we received no response from your office.

Since we sent you the January 23 letter, CMS has held a "Listening Session" on this issue on March 3, 2004, in which members of the ITEM Coalition Steering Committee participated. The Coalition's Steering Committee also submitted written comments to CMS, which are provided as an attachment to this letter. Unfortunately, many consumers and consumer advocates participated in the Listening Session by conference call and were not selected to speak, including those who had registered. In addition, the Listening Session, which was only scheduled for two hours, was held in Baltimore, making it difficult for users of mobility devices who are active on this issue in D.C. to attend in person, and no comparable session has been scheduled in Washington.

An open process is essential to ensuring that policy changes in Medicare benefits do not harm beneficiaries and deny them access to critically needed items and services for which they are eligible. The continued limitation on participation in the process of developing the Policy

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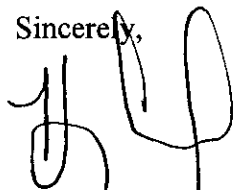
Clarification, as exemplified in the Listening Session, raises grave concerns. Critical stakeholders – beneficiaries, physicians, therapists and rehabilitation specialists – have not been adequately heard in this process.

CMS has acknowledged that the Policy Clarification has been misinterpreted by a number of parties. In our view, this is due to the fact that the new policy is seriously flawed and out of step with current medical practice, resulting in widespread confusion. Simply attempting to further clarify a bad policy is no solution.

We therefore renew our request to meet with you at your earliest convenience. Please contact Henry Claypool at 202-349-4260 to schedule a convenient date and time.

Thank you for your initiative to reduce fraudulent claims under the Medicare power wheelchair benefit. Every dollar saved on fraudulent activity can be devoted to meeting the existing and future assistive device needs of beneficiaries with disabilities and chronic conditions.

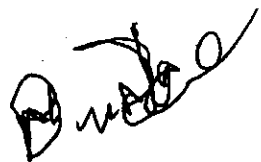
Sincerely,



Henry Claypool
Advancing Independence: Modernizing
Medicare and Medicaid
ITEM Coalition Steering Committee Member



Peter W. Thomas
Consortium for Citizens with Disabilities
Health Task Force
ITEM Coalition Steering Committee Member



Paul W. Schroeder
American Foundation for the Blind
ITEM Coalition Steering Committee Member



Lee Page
Paralyzed Veterans of America
ITEM Coalition Steering Committee Member

Cc: Dr. Mark B. McClellan, Administrator, CMS
Dara Corrigan, Acting Principal Deputy Inspector General, HHS

Attachments: January 23, 2004 Letter to Secretary Thompson from ITEM Coalition Steering Committee
ITEM Coalition Comments to CMS Listening Session on March 3, 2004
List of ITEM Coalition Members