

## REPRESENTATIVE ZELDIN PRESS RELEASE

August 31, 2016

### **Representative Zeldin Joins with Individuals with Disabilities to Call For Congressional Approval of His Must Pass Bill for Much Needed Access to Critical Equipment**



Commack, NY – On Tuesday, August 30, 2016, Congressman Lee Zeldin (R, NY-1) was joined by local elected officials, staff of United Cerebral Palsy (UCP) of Long Island, residents from UCP of Long Island’s 31 homes, advocates for individuals with disabilities, and members of the community, at The Children’s Center at United Cerebral Palsy (UCP) of Long Island, a school for students with developmental disabilities, to call for Congressional passage of his must pass bill to protect individuals with disabilities by ensuring they have access to vital equipment (H.R. 3229). Congressman Zeldin’s legislation, which clarifies the Medicare Improvements for Patients and Providers Act (MIPPA) of 2008, is a critical measure to secure the essential specialized power wheelchairs and manual wheelchairs and accessories services relied on by disabled individuals and their families. You can watch the full press conference [here](#).

When the Medicare Improvements for Patients and Providers Act (MIPPA) of 2008 was passed and signed into law, it stated that complex rehabilitation technology devices would be excluded from the Centers for Medicare and Medicaid Services (CMS) Competitive Bidding Program. Excluded devices include power wheelchairs and the related accessories, which are the fundamental parts of the products that make them useful and beneficial to people with progressed disabilities—such as recline/tilt systems, specialty controls and seat/back cushions. In November 2014, CMS issued a ruling contrary to MIPPA, which stated that starting in January 2016, accessories that are used on complex rehabilitative

wheelchairs would no longer be part of the fixed fee schedule, but would be subject to competitive bidding pricing. This ruling would be devastating for the disabled community, decreasing access to individually configured wheelchairs and accessories. In December 2015, Congress passed the Patient Access and Medicare Protection Act (S. 2425), which provided a one year delay in the application of Medicare competitive bid pricing for complex rehab power wheelchairs and accessories to keep fees from decreasing anywhere from at least 10% to 34%. Now, Congress must act again in 2016 to ensure that a more permanent fix is granted.

The Congressman's legislation, H.R. 3229, which has companion legislation in the Senate (S. 2196), has strong bipartisan support in Congress with already over 135 House cosponsors. This legislation is also fully supported by the ALS Association, Muscular Dystrophy Association, National Multiple Sclerosis Society, Paralyzed Veterans of America, VetsFirst and United Spinal Association.

**Congressman Lee Zeldin said,** "Providing support for those who need it the most has been a principle Americans have stood by for generations. There is an urgent need for Congress to act now to ensure that Americans living with disabilities can access the complex rehabilitative equipment they require to meet their medical needs and to function at the highest level possible, allowing them to live independently and happily. On July 27, 2015, I introduced bipartisan legislation in the House, H.R. 3229, which would address this very time sensitive issue by ensuring that those with disabilities can access the complex rehabilitative equipment they require to meet their medical needs and to function at the highest level possible. In an effort to advance this legislation, I testified in support of my bill at a House Ways and Means Health Subcommittee hearing on June 8, 2016. In addition to this testimony, new information has been reported since the introduction of this bill, which only further supports our cause. An additional requirement of S. 2425's passage was a report conducted by the Government Accountability Office, which detailed why costs would increase for consumers should they switch to the competitive bidding model. As a result of this report, new cost estimates are now being conducted to detail the significant sums of money that will be saved due to the implementation of this legislation. The GAO report highlighted that too much of the Competitive Bid Rate data is outdated, limited and insufficient for determining payment rates nationally. By applying Competitive Bid Pricing for accessories used with standard wheelchairs to those used with Complex Rehabilitative Technology wheelchairs, there will be misguided and massive payment reductions ranging from at least 10%-34% as a result. The bill has been referred to the House Ways and Means and House Energy and Commerce Committees. Before this bill can be brought to the House floor, it must pass out of one of these committees. Both the House and Senate must pass this legislation in 2016 to protect Americans dealing with the challenges from disabilities such as ALS, Cerebral Palsy, Multiple Sclerosis, Spinal Cord Injury, and many other debilitating illnesses. My bill is just one effort to help Americans with disabilities attain the self-sufficiency and independence we all cherish. I will continue working in Congress to provide support and care to help the many vulnerable adults and children living with disabilities."

**LI Chapter of the National MS Society said,** "The National Multiple Sclerosis Society urges Congress to pass H.R. 3229 by December 31st to ensure that people with progressed multiple sclerosis (MS) have access to essential components of their wheelchairs. "Accessories" are not optional features—they include head support and tilt-and-recline systems that are necessary for people with progressed MS to use their Complex Rehabilitation Technology (CRT), stay healthy and reduce overall healthcare costs. Representative Zeldin's legislation protects access to both manual and power CRT accessories and we thank him for leadership on this issue."

**The United Spinal Association said,** "Regardless of disability, disease, illness or condition, all people with disabilities should be eligible for the same access to medically required mobility devices and services

under Medicare. United Spinal Association urges Congress to pass H.R. 3229/S. 2196 by December 31, 2016 to ensure that critical components used with power and manual complex rehab technology are protected so that individuals with spinal cord injury and other neurological conditions and disabilities, including disabled veterans, maintain their independence, stay healthy and are able to participate in society as they wish. United Spinal thanks Congressman Zeldin for introducing this bill and for his leadership on this issue."

**Maggie Goldberg, Vice President for Policy & Programs of the Christopher & Dana Reeve Foundation** said, "The Christopher & Dana Reeve Foundation commends Congressman Zeldin for his leadership and efforts to protect access to mobility equipment. This legislation is critical for the millions of Americans living with disabilities who rely on specific equipment and accessories to maintain their health and independence. As we work to achieve true equality for all individuals living with paralysis, we must ensure our community has access to the wheelchairs, accessories and other technology that contribute to their overall quality of life. We hope that more members of Congress realize the importance of this issue and work together to drum up support for this legislation."

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