



266 West 37<sup>th</sup> Street, 3rd Floor  
New York, NY 10018  
212.869.3850/Fax: 212.869.3532

*\*\*\*Comments were submitted via a direct entry form that does not allow for extensive formatting\*\*\**

March 13, 2023

Chiquita Brooks-LaSure  
Administrator  
Centers for Medicare & Medicaid Services  
Department of Health and Human Services

**RE: Proposed National Coverage Determination for Power Seat Elevation Equipment on Power Wheelchairs (Group 3): CAG-00461N**

Dear Administrator Brooks-LaSure:

The Medicare Rights Center (Medicare Rights) appreciates the opportunity to comment on this **Proposed National Coverage Determination (NCD) for Power Seat Elevation Equipment on Power Wheelchairs** from the Centers for Medicare & Medicaid Services (CMS). Medicare Rights is a national, nonprofit organization that works to ensure equitable access to affordable health care for older adults and people with disabilities through counseling and advocacy, educational programs, and public policy initiatives. Each year, Medicare Rights provides services and resources to nearly three million people with Medicare, family caregivers, and professionals.

Based on this experience, we know Medicare's inadequate coverage of power seat elevation systems can undermine beneficiary health and well-being. On our national consumer helpline, we frequently hear from people with disabilities and older adults who are struggling to access this equipment. Too often, Medicare classifies such technology as an accessory, downplaying the importance of features that help wheelchair users stay safe and independent in their homes and communities.

Consider the experiences of two recent helpline callers, Mr. D and Mr. F. Both were Medicare enrollees and Group 3 power wheelchair users who needed seat elevation systems to live, work, and thrive. Mr. D was diagnosed with Limb Girdle Muscular Dystrophy and required a seat elevator to securely transfer to and from his wheelchair. Mr. F was living with multiple sclerosis and seeking a seat elevator and standup functions to complete daily tasks. In each instance, and countless others, the proposed NCD would have helped, but current rules did not—the necessary equipment was excluded from Medicare coverage.

This outdated limitation creates harmful delays and dangerous situations. It forces enrollees to try and obtain vital supports elsewhere, often with little help and in a poorly regulated market. People with secondary insurance may eventually get some coverage, while others either pay out-of-pocket or go without.

The proposed NCD would be a strong step forward for Medicare enrollees who need the seat elevation feature. It concludes that such systems in Group 3 power wheelchairs are primarily medical in nature and can therefore be covered as Durable Medical Equipment. We strongly support this benefit category determination and coverage decision.

The proposed NCD further finds these systems are reasonable and necessary for Medicare beneficiaries using Group 3 power wheelchairs when: (1) they perform weight-bearing transfers in the home to/from their wheelchair, with or without the use of caregiver assistance or assistive technology; and (2) undergo a specialty evaluation by a practitioner with specific training and experience in rehab wheelchair evaluations. We also support this decision. It would dramatically increase access to this crucial technology for beneficiaries who spend all or most of their time in a Group 3 chair.

CMS seeks additional information on the inclusion of users of Group 2 power wheelchairs for seat elevation coverage. We strongly urge this inclusion. Seat elevation can help Group 2 users safely perform lateral and sit to stand transfers and gain the reach essential for activities of daily living. Group 2 users for whom seat elevation would be reasonable and necessary for their medical needs should not be excepted simply because their diagnoses do not fit within Group 3 coverage criteria.

We applaud CMS for proposing to extend Medicare coverage of power seat elevation. This feature is critical to promoting beneficiary health, safety, and independence. It can reduce strain and the risk of injury in transfer situations and in accessing items for everyday living, including to cook, clean, groom, and dress.

Thank you again for the opportunity to provide comment. For further information, please contact Lindsey Copeland, Director for Federal Policy at [LCopeland@medicarerights.org](mailto:LCopeland@medicarerights.org) or 202-637-0961 and Julie Carter, Counsel for Federal Policy at [JCarter@medicarerights.org](mailto:JCarter@medicarerights.org) or 202-637-0962.

Sincerely,



Fred Riccardi  
President  
Medicare Rights Center