

Congress of the United States

Washington, DC 20515

January 29, 1999

Ms. Nancy-Ann Min DeParle
Administrator
Health Care Financing Administration
200 Independence Avenue SW
Washington, D.C. 20201

Dear Administrator Min DeParle:

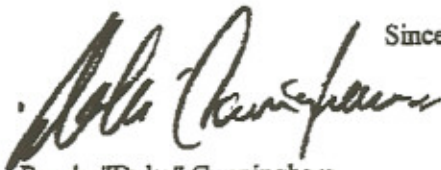
We have been contacted by our constituents concerning Medicare coverage for Augmentative Communication Devices ("AAC Devices"). These devices provide individuals with severe expressive communication disabilities (unable to speak, use sign language, or write because of cerebral palsy, muscular dystrophy, stroke, ALS or Lou Gehrig's disease etc.) the ability to communicate and thereby lead safer and more enjoyable lives.

However, we have been informed that over a decade ago HCFA issued a National Coverage Determination that AAC Devices were not covered by Medicare since they were classified as "communicators" and were deemed to be a convenience that was not primarily medical in nature. This decision also placed AAC Devices in the Durable Medical Equipment category rather than the appropriate Prosthesis category. This is in direct conflict with the Food and Drug Administration (FDA) which recognizes AAC Devices as medical prosthetic devices. Also, since that non-coverage decision by HCFA, funding for AAC Devices has been granted by every state Medicaid program, by CHAMPUS and the Veterans Administration at the Federal level, and by hundreds of commercial health insurance providers.

Moreover, we understand that HCFA has no records as to which AAC Device it evaluated years ago as the basis for its denial of Medicare coverage, nor any records setting forth the rationale for its non-coverage decision. Also, there have been significant technological improvements in AAC Devices since HCFA's earlier determination in the 1980's. For example, the convenient and useful Dynavox AAC Device was not introduced until 1991. HCFA's non-coverage decision hurts Medicare recipients by deterring the filing of AAC Devices funding requests under Medicare, and thus denies access by individuals in need of such equipment.

We would appreciate your prompt review of HCFA's policy regarding needed coverage for AAC Devices. Thank you in advance for your attention to this request. We look forward to your timely response concerning this important matter.

Sincerely,



Randy "Duke" Cunningham
Member of Congress



Ron Packard
Member of Congress