

116TH CONGRESS
1ST SESSION

H. R. 2293

To amend title XVIII of the Social Security Act to exclude complex rehabilitative manual wheelchairs from the Medicare competitive acquisition program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 12, 2019

Mr. LARSON of Connecticut (for himself, Mr. ZELDIN, Ms. STEFANIK, Mr. FITZPATRICK, Mr. HIGGINS of New York, Mr. TONKO, Mr. KELLY of Pennsylvania, Mr. EMMER, Mr. RUSH, Ms. CLARKE of New York, Mr. LANGEVIN, Mr. SWALWELL of California, Ms. JAYAPAL, Mr. SIRES, Mr. CONNOLLY, Mr. RUPPERSBERGER, Mr. DEFazio, Mr. MEEKS, Mr. LOEBSACK, Mr. KING of New York, Mr. ESPAILLAT, Ms. BONAMICI, and Miss RICE of New York) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title XVIII of the Social Security Act to exclude complex rehabilitative manual wheelchairs from the Medicare competitive acquisition program, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Protecting Access to
3 Wheelchairs Act”.

4 **SEC. 2. EXCLUSION OF COMPLEX REHABILITATIVE MAN-**
5 **UAL WHEELCHAIRS FROM MEDICARE COM-**
6 **PETITIVE ACQUISITION PROGRAM; NON-AP-**
7 **PLICATION OF MEDICARE FEE-SCHEDULE**
8 **ADJUSTMENTS FOR CERTAIN WHEELCHAIR**
9 **ACCESSORIES AND CUSHIONS.**

10 (a) EXCLUSION OF COMPLEX REHABILITATIVE MAN-
11 UAL WHEELCHAIRS FROM COMPETITIVE ACQUISITION
12 PROGRAM.—Section 1847(a)(2)(A) of the Social Security
13 Act (42 U.S.C. 1395w–3(a)(2)(A)) is amended—

14 (1) by inserting “, complex rehabilitative man-
15 ual wheelchairs (as determined by the Secretary),
16 and certain manual wheelchairs (identified, as of Oc-
17 tober 1, 2018, by HCPCS codes E1235, E1236,
18 E1237, E1238, and K0008 or any successor to such
19 codes)” after “group 3 or higher”; and

20 (2) by striking “such wheelchairs” and insert-
21 ing “such complex rehabilitative power wheelchairs,
22 complex rehabilitative manual wheelchairs, and cer-
23 tain manual wheelchairs”.

24 (b) NON-APPLICATION OF MEDICARE FEE SCHED-
25 ULE ADJUSTMENTS FOR WHEELCHAIR ACCESSORIES AND
26 SEAT AND BACK CUSHIONS WHEN FURNISHED IN CON-

1 SECTION WITH COMPLEX REHABILITATIVE MANUAL
2 WHEELCHAIRS.—

3 (1) IN GENERAL.—Notwithstanding any other
4 provision of law, the Secretary of Health and
5 Human Services shall not, during the period begin-
6 ning on July 1, 2019, and ending on December 31,
7 2020, use information on the payment determined
8 under the competitive acquisition programs under
9 section 1847 of the Social Security Act (42 U.S.C.
10 1395w–3) to adjust the payment amount that would
11 otherwise be recognized under section
12 1834(a)(1)(B)(ii) of such Act (42 U.S.C.
13 1395m(a)(1)(B)(ii)) for wheelchair accessories (in-
14 cluding seating systems) and seat and back cushions
15 when furnished in connection with complex rehabili-
16 tative manual wheelchairs (as determined by the
17 Secretary), and certain manual wheelchairs (identi-
18 fied, as of October 1, 2018, by HCPCS codes
19 E1235, E1236, E1237, E1238, and K0008 or any
20 successor to such codes).

21 (2) IMPLEMENTATION.—Notwithstanding any
22 other provision of law, the Secretary may implement
23 this subsection by program instruction or otherwise.

○