

**Congress of the United States**  
**Washington, DC 20515**

October 8, 2015

Andy M. Slavitt  
Acting Administrator  
Centers for Medicare & Medicaid Services  
Department of Health & Human Services  
Hubert H. Humphry Building  
200 Independence Avenue SW  
Washington, DC 20201

Dear Acting Administrator Slavitt:

We write to express our concern regarding the proposed draft Local Coverage Determination (LCD) for Lower Limb Protheses (DL33787) recently released by NHIC, Corp., one of the Centers for Medicare & Medicaid Services' (CMS) four Durable Medical Equipment Medicare Administrative Contractors. If implemented, this LCD would significantly diminish the quality of life for tens of thousands of our nation's disabled veterans.

We have heard from clinicians at the Department of Veterans Affairs (VA) and other stakeholders that the proposed policy would drastically limit access to modern prosthetic care for veterans. Under the proposed draft LCD, several procedural codes that represent different styles of prosthetic feet and ankles would be consolidated into a much more generic single code, which would result in veterans being denied access to medically necessary, clinically appropriate prosthetics. Any proposed policy must continue to allow coverage of prosthetic feet and ankles using existing procedure codes that most accurately describe their clinical function.

Moreover, the proposed draft LCD would effectively base a patient's "functional level" on their current capabilities to ambulate while wearing prosthesis rather than their potential to improve mobility through the use of advanced prosthetic devices. This limitation would have disastrous consequences for veterans in need of prosthetics—many of whom are young, active, and otherwise healthy men and women who aspire to recover to their greatest physical potential.

Because many veterans affected by this change in LCD are at the beginning of their rehabilitation and use of prosthetic devices, they stand to lose the opportunity for more advanced prosthetics as they progress in their recovery.

The effect will be felt even more deeply as VA expands its network of non-VA care options through its implementation of the Veterans Access, Choice, and Accountability Act. As more veterans enrolled in the VA health care system become eligible to receive their care in the community, non-VA providers will be limited in the LCD options they can use for prosthetics for this population.

As you carefully review the proposed draft LCD, we respectfully request that you consider the impact it could have on our nation's veterans. These brave men and women have already sacrificed so much. We must ensure they have access to the advanced prosthetic devices that will allow recovery to the fullest, most active lives possible.

Sincerely,



Johnny Isakson  
Chairman  
Senate Veterans' Affairs Committee



Richard Blumenthal  
Ranking Member  
Senate Veterans' Affairs Committee



Jeff Miller  
Chairman  
House Veterans' Affairs Committee



Corrine Brown  
Ranking Member  
House Veterans' Affairs Committee