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Director

April 2, 2001

Mr. Thomas Hoyer  
Health Care Financing Administration  
Room C5-02-17  
Mail Stop C5-02-23  
7500 Security Boulevard  
Baltimore, Maryland 21244

RE: Computer- and PDA-Based  
AAC Devices (SGD's)

Dear Tom:

I want to thank you, Kaye and Bob for meeting with us last Monday and for agreeing that Medicare will cover dedicated AAC devices (speech generating devices) including those that may be built from a laptop computer or personal digital assistant (PDA).

This clarification of Medicare's policy regarding the scope of AAC device coverage will be very valuable to every component of the AAC community. Medicare beneficiaries and speech-language pathologists will have a wider range of devices and software to select from, increasing the quality of the "fit" between a device's capabilities and the client's communication needs. Also, advocates will not have to pursue administrative law judge appeals (where CIM § 60-23 is not binding) to obtain Medicare reimbursement for those few individuals who would otherwise be able to afford computer- or PDA-based devices. And, the AAC device manufacturers will have a clear blueprint regarding how to adapt their existing devices to meet Medicare's expectations.

As we briefly discussed on Monday, and as was discussed in my February 16 letter, clarification of the wording of the Medicare coverage guidance is needed to avoid confusion regarding the scope of device coverage. This is important both for the DMERCs and M+C providers in the Medicare program, but also for Medicaid programs and other third party funding programs that look to Medicare as a model.

Stated below are two examples of language we believe will be sufficient to achieve this goal. We offer this for your consideration:

1. Re-state the examples in CIM § 60-23 as an affirmative statement, rather than as examples of device characteristics that lead to non-coverage:

Dedicated SGDs include laptop computers, desktop computers, PDAs or other devices that are only capable of running software for speech generation and that are not useful to someone without severe speech impairment.

This statement would replace all 3 examples in the NCD, and would define dedicated devices by characteristics they may possess, rather than as currently written, by disqualifying characteristics. This statement will permit coverage of all devices that currently are dedicated as well as those that we demonstrated on March 26. The key characteristics we discussed are explicitly stated: the devices must be limited to be a SGD, and for that reason, the device will not be useful to someone without severe speech impairment.

If this language is adopted, it is our expectation that the RMRP also will be changed by the DMERCs. Currently, it states:

Laptop computers, desktop computers, PDAs or other devices that are not dedicated SGDs are noncovered because they do not meet the definition of durable medical equipment.

Our proposal to the DMERCs will likely be that this sentence be amended as follows:

Laptop computers, desktop computers, PDAs or other devices will be covered so long as they are dedicated SGDs.

2. Remove the middle example in the existing NCD:

The National Coverage Decision on Speech Generating Devices presently states, in part:

Devices that would not meet the definition of speech generating devices and therefore, do not fall within the scope of S. 1861(n) are characterized by:

Devices that are not dedicated speech devices, but are devices that are capable of running software for purposes other than speech generation, e.g., devices that can also run a word processing package, an accounting program, or perform other non-medical functions.

*Laptop computers, desktop computers, or PDAs, which may be programmed to perform the same function as a speech generating device, are non-covered since they are not primarily medical in nature and do not meet the definition of DME. For this reason, they cannot be considered speech-generating devices for Medicare coverage purposes.*

A device that is useful to someone without severe speech impairment is not considered a speech generating device for Medicare coverage purposes.

We suggested in the February 16 letter that the middle example stated in CIM § 60-23 be deleted because it addresses only the appearance or manner of assembly of the device, not its

functionality. The first and third paragraphs would remain because they provide an explanation of what "dedicated" means. If this change were made, the clear implication would be that computer- and PDA-based devices, if dedicated to AAC functions, and that are otherwise not useful to someone without severe speech impairment, *are* covered.

We hope that one of these suggestions or language with similar content will be adopted quickly. Please contact me if I can provide any additional information.

Thank you.

Sincerely,

Lewis Golinker

cc: Steven White, Ph.D.  
Iris Fishman