

## Better Medicare Coverage of Speech Generating Devices

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Over the past week, problems with Medicare coverage of Speech Generating Devices (SGDs) have been favorably addressed through both final Administrative and Congressional action.

Prior to these actions, Medicare only covered SGDs to generate face-to-face speech, excluding other forms of communication such as by email, phone or text. Medicare had also changed the payment category for SGDs from purchase to rental. This change meant

Medicare payment ended when the SGD user was admitted into a care facility. This forced SGD users to give up their personalized device, which would be replaced, at best, by a generic device provided by the facility.

Fortunately, CMS published a final National Coverage Determination on July 29, 2015 that authorizes Medicare coverage for SGDs for other types of communication – email, text and phone messages – in addition to speech. Further, Congress passed, and the President signed, the Steve Gleason Act, which moves SGDs from the rental category to the purchase category for three years, allowing SGD users to take their personalized devices into any care setting. The Steve Gleason Act also allows stronger access to accessories necessary to operate SGDs.

### **SGD National Coverage Determination Analysis**

**Summary:** Coverage for SGDs is broadened to include both audible/verbal speech and written communication. “Speaking” may include email, text and phone messages. Video and conferencing functions are not covered because “[n]ot all forms of communication constitute speech.”

CMS has found the previous SGD National Coverage Determination “dedication” requirement to be overly restrictive. The devices no longer have to be dedicated only to functional speech needs.

| Covered | Not Covered |
|---------|-------------|
|---------|-------------|

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| <ul style="list-style-type: none"> <li>Computers that are:             <ol style="list-style-type: none"> <li>Modified to become SGDs;</li> <li>Limited to use by a patient with severe speech impairment; and</li> <li>Primarily used for the purpose of generating speech.</li> </ol> </li> <li>Software on non-covered computers, tablets, smart phones and other similar devices.</li> <li>Email, text and phone messages (covered as “speech”).</li> <li>The “capability” of allowing non-covered features (removes “dedication” requirement).</li> <li>The “capability” to download upgrades to the covered features.</li> </ul> | <ul style="list-style-type: none"> <li>Other computers, tablets, smart phones and other similar devices. They are not considered DME (only the <i>software</i> supported by these devices is covered).</li> <li>Video (including telemedicine) or Conferencing.</li> <li>Environmental controls.</li> <li>Internet or Phone Services.</li> <li>Hardware or software that is not necessary to allow speech generation, email, text or phone messages (such as document creation, spreadsheets, games or music).</li> <li>Modification to a patient’s home to allow use of the SGD.</li> </ul> |
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Several public Comments were addressed by CMS in the final National Coverage Determination:

- The words “speech aids” are added to the SGD definition.
- The determination of whether accessories are reasonable and necessary, the payment methodology, and HCPCS Codes updates were found to be outside the scope of the National Coverage Determination.
- The Advanced Beneficiary Notice (ABN) language was clarified to include “voluntary” ABN and “similar notices.”

### Steve Gleason Act Analysis

The Steve Gleason Act makes changes to the Durable Medical Equipment section of the Social Security Act. It moves coverage of the SGD from the rental payment category to the purchase payment category. When the SGD fell under the rental category, Medicare would not pay for an SGD if the user went into a care setting; provision of the SGD was expected to be the responsibility of the care setting provider. By moving the SGD to a purchase payment category, the user can take their SGD anywhere and keep it for as long as necessary.

The Steve Gleason Act also more specifically addresses coverage for accessories that are necessary to make the SGD operational for each user, including the eye gaze technology which is necessary when an individual user cannot type what is to be communicated on a keyboard.

### **Next Steps**

There are many questions CMS must address about the implementation of the National Coverage Determination and the Steve Gleason Act. The payment category of the Steve Gleason Act goes into effect on October 1, 2015. Coverage for the eye gaze technology accessory goes into effect on January 1, 2016.

Unfortunately, the Steve Gleason Act sunsets in October 2018. Before long, advocates will have to seek a more permanent solution for the categorization of SGDs. If they are to return to a rental category, the place of service limitation (limiting them to use in the home) will have to be addressed to allow the devices to go into alternate care settings with the individual users.

*August, 2015 – K. Holt*