



To: All State Legislatures Considering *So Every BODY Can Move* Legislation:

May 6, 2024

Re: ITEM Coalition Support for *So Every BODY Can Move* Legislation

To Whom May Concern:

The undersigned members of the Independence Through Enhancement of Medicare and Medicaid (“ITEM”) Coalition write to express our support for the *So Every BODY Can Move* state-based legislative initiative. *So Every BODY Can Move* is a grassroots policy and advocacy initiative with the mission of increasing equitable and life-changing access to orthotic and prosthetic care necessary for physical activity for individuals with limb loss and limb difference.

The ITEM Coalition is a national consumer- and clinician-led coalition advocating for access to—and coverage of—assistive devices, technologies, and related services for persons with injuries, illnesses, disabilities, and chronic conditions of all ages. Our members represent individuals with a wide range of disabling conditions, as well as the providers who serve them, including limb loss and limb difference, musculoskeletal and neurological injuries, multiple sclerosis, spinal cord injury, brain injury, stroke, paralysis, cerebral palsy, spina bifida, hearing, speech, and visual impairments, myositis, and other life-altering conditions.

The *Patient Protection and Affordable Care Act of 2010* (“ACA”)¹ intended to establish a right for all individuals under commercial insurance to have access to an “Essential Health Benefits Package” or “EHB.” Prosthetic limbs and orthotic braces have been firmly established as essential benefits under the category of “rehabilitation and habilitation services and devices” since the ACA’s implementation. Yet, studies demonstrate that only between one third to one half of individuals who lose a limb ever use a prosthesis to replace lost function. Health plans routinely deny coverage for any prosthesis or orthosis other than devices that are designed for simple ambulation (lower limb) or dexterity (upper limb). People with limb loss and limb difference— especially children — continue to face insurmountable barriers to equal participation in physical activities in order to remain fit and healthy.

State, federal, and private health plans routinely deny access to prosthetic and orthotic care for physical activities as “not medically necessary.” Without health plan coverage, children, adults, and families are forced to incur prohibitive out-of-pocket costs for activity specific devices, risk harm or injury using a prosthesis or orthosis not designed for physical activity, or live sedentary lifestyles with costly health complications, including obesity. Individuals with disabilities need access to specialized prostheses and orthoses to be able to participate equitably in physical activity, just like their non-disabled peers.

¹ Pub. L. No. 111-148, 124 Stat. 119 (2010)

As a national mobility movement, the *So Every BODY Can Move* campaign is working to create equitable access to prostheses and orthoses utilized for physical activity as medically necessary healthcare by championing state-by-state legislative change. Legislative change, unlike one-time charitable support, can impact millions of people for generations to come with a solution rooted in dignity and equity.

So Every BODY Can Move has model legislation that can be adopted by states to fix this widespread inequity. This model legislation accomplishes two goals. First, this model creates orthotics and prosthetics “parity,” or “fairness,” ensuring state commercial insurance plans that provide coverage for orthotic and prosthetic care provide it at a level that is equivalent to the federal Medicare program. Legislation of this type has already experienced widespread support across the country with 21 states enacting similar legislation into law over the past 20 years. Second, the model legislation creates coverage by state commercial insurance plans of orthotics and prosthetics for individuals of all ages for purposes of performing physical activities. *So Every BODY Can Move*’s model legislation builds on existing EHB language to recognize the medical and functional needs of the limb loss and limb difference population to engage in physical activity.

As of August 2023, five states have successfully enacted *So Every BODY Can Move* legislation; an additional five states have introduced *So Every BODY Can Move* legislation and are working towards passage in 2024; and 20 states are interested in bringing this legislation to their state in 2024 and beyond.

The undersigned members of the ITEM Coalition support the *So Every BODY Can Move* initiative and urge all states that have not enacted the model legislation to consider it through the legislative process and enact such a law in each state.

For additional information about the ITEM Coalition, please contact the ITEM Coalition co-coordinators, Peter Thomas at Peter.Thomas@PowersLaw.com and Michael Barnett at Michael.Barnett@PowersLaw.com.

Sincerely,

The Undersigned Members of the ITEM Coalition

- Access Ready, Inc.
- ACCSES
- Alexander Graham Bell Association for the Deaf and Hard of Hearing
- All Wheels Up
- Allies for Independence
- American Academy of Physical Medicine and Rehabilitation
- American Association on Health and Disability
- American Cochlear Implant Alliance
- American Congress of Rehabilitation Medicine

American Macular Degeneration Foundation
American Music Therapy Association
American Occupational Therapy Association
American Physical Therapy Association
American Therapeutic Recreation Association
Amputee Coalition*
Association of Rehabilitation Nurses
Autistic Women & Nonbinary Network
Center for Medicare Advocacy
Christopher & Dana Reeve Foundation*
Clinician Task Force
Institute for Matching Person and Technology
International Eye Foundation
Lakeshore Foundation
Lighthouse Guild
Long Island Center for Independent Living, Inc.
National Association for the Advancement of Orthotics and Prosthetics
National Association of Councils on Developmental Disabilities
National Association of Rehabilitation Providers and Agencies
National Disability Rights Network (NDRN)
Prevent Blindness
RESNA
Spina Bifida Association*
The Buoniconti Fund to Cure Paralysis
The Miami Project to Cure Paralysis
The Viscardi Center
United Cerebral Palsy
United Spinal Association*

**** ITEM Coalition Steering Committee Member***