

# Adopt the Local Coverage Determination (LCD) Clarification Act

## S. 794 / H.R. 3635



**PROBLEM** The closed-door process that Medicare Administrative Contractors (MACs) use to develop LCD policies lacks transparency and true accountability.



Closed-Door Process



No Stakeholder Dialog



No Medical Judgment



Flawed Evidence

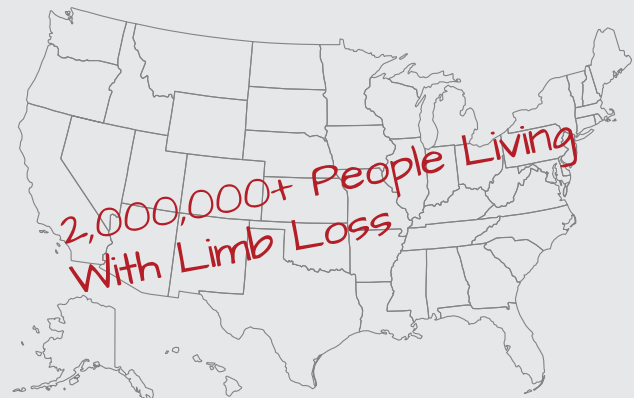


No Appeals Process

### PROBLEM

In 2015, a draft LCD would have fundamentally changed lower limb prosthetic care.

The Amputee Coalition opposed the draft LCD proposed by the Durable Medical Equipment (DME) Medicare Audit Contractors (MACs). It would severely limit access the care people with limb loss need to live independently and well. A White House petition signed by 110,000 people resulted in the creation of an interagency to delve into beneficiary outcomes research and the limb loss care continuum. The findings from the work group are still pending and it is unclear what that means for the LCD.



**SOLUTION** The Amputee Coalition is calling on Congress to enact reforms to improve the LCD process, which would:

**Rx 1** Require open meetings

Make MAC carrier advisory committee meetings open, public, and on the record.



**Rx 2** Establish upfront disclosure

Require a MAC—at the outset of the process—to include the evidence the MAC considered when drafting an LCD and the rationale it is relying on to deny coverage.

**Rx 3** Create meaningful reconsideration and options for appeal

Ask Congress to codify a meaningful LCD reconsideration process that gives people impacted by decisions the opportunity to have a qualified disinterested secondary review of a reconsideration denial.

**Rx 4** Stop the abuse of LCDs as a backdoor to NCDs

Congress should prohibit the CMS from appointing a single MAC which makes determinations that have national impact.