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Advocating and advancing the human, civil and legal rights of persons with disabilities

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September 23, 2005

BY Website: <http://www.regulations.gov>

Mr. Richard Johnson
Centers for Medicare & Medicaid Services
Department of Health and Human Services
Attention: CMS-1307-GNC
P.O. Box 8013
Baltimore, MD 21244-8013

Re: Medicare Program; Criteria and Standards for Evaluating
Intermediary, Carrier, and Durable Medical Equipment, Prosthetics,
Orthotics, and Supplies (DMEPOS) Regional Carrier Performance During
Fiscal Year 2006
Docket Number: CMS-1307-GNC

Dear Mr. Johnson:

The following comments on the Centers for Medicare & Medicaid Services' proposed regulations on criteria and standards for evaluating carrier performance are submitted by New Jersey Protection & Advocacy, Inc., (NJPA) the designated protection and advocacy system for individuals with disabilities in New Jersey, pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 5041 to 15045; the Protection and Advocacy for Mentally ill Individuals Act, 42 U.S.C. §§ 10801 to 10807; the Client Assistance Program of the Rehabilitation Act, 29 U.S.C. § 732; the Protection and Advocacy for Individual Rights Program of the Rehabilitation Act, 29 U.S.C. § 794e; and the Technology Related Assistance for Individuals with Disabilities, 29 U.S.C. § 3004.

Given that regional carriers play an important role in the Medicare system, CMS is well-advised to adopt performance-based criteria and standards to ensure that carriers achieve measurable outcomes. However, many of the criteria and standards in this proposed rule do not adequately take into account the needs of Medicare recipients with disabilities. CMS should take the following actions to ensure that carriers live up to their responsibilities to Medicare recipients with disabilities.

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Criteria and Standards – General

In the second criterion, customer service, the proposed rule states:

The mandated standard in the customer service criterion is the need to provide beneficiaries with written replies that are responsive, that is, they provide in detail the reasons for a determination when a beneficiary requests this information, they have a customer-friendly tone and clarity, and they are at the appropriate reading level.

NJP&A suggests that CMS specify in this section that CMS expects carriers to provide information in large print or other alternate formats upon request. Including alternate formats as a criterion helps ensure that people with disabilities receive needed customer service information in an accessible manner. Although carriers are required to provide alternate format under Section 504 of the Vocational Rehabilitation Act of 1973, including this requirement as a criterion will help ensure compliance and accessibility.

Criteria and Standards for Intermediaries

CMS includes a number of functions that may be evaluated under the customer service criterion, including quality call monitoring, training customer service representatives, and conducting training and outreach activities. CMS should require intermediaries to ensure that customer service representatives are adequately trained in responding to calls made by people with disabilities using Telecommunications Relay Service. All too often, customer service representatives in a variety of settings do not understand how to take relay calls and may hang up on customers with disabilities. Additionally, CMS should require intermediaries who maintain Internet websites to ensure that these websites are accessible to people with disabilities, using the criteria set forth in Section 508 of the Vocational Rehabilitation Act of 1973 for federal government websites.

Criteria and Standards for Carriers

NJP&A reiterates its suggestions from the previous section regarding relay calls and website accessibility.

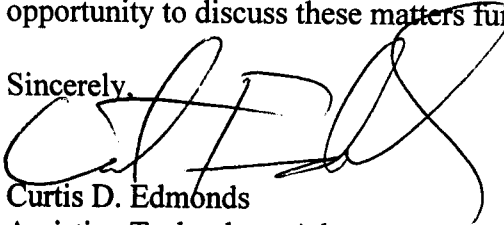
Criteria and Standards for Durable Medical Equipment, Prosthetics, Orthotics, and Supplies (DMEPOS)

NJP&A reiterates its suggestions from the previous sections regarding relay calls and website accessibility.

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Thank you for the opportunity to comment on this process. NJP&A would welcome the opportunity to discuss these matters further.

Sincerely,



Curtis D. Edmonds
Assistive Technology Advocate

CDE/md