

Sample Appeal Letter: Device Can Be Used for Purposes Other Than Communication

(DATE)

(INSURANCE NAME)

(INSURANCE ADDRESS)

(INSURANCE CITY, STATE ZIP)

RE: (FULL NAME OF CLIENT)

DOB: (DATE OF BIRTH)

To whom it may concern:

I recently submitted a request for purchase of the (DEVICE NAME) for my client, (CLIENT's NAME), who has a medical diagnosis of (DIAGNOSIS) and a speech-language diagnosis of (DIAGNOSIS). These diagnoses have left (HIM/HER) functionally nonverbal and unable to adequately express (HIS/HER) medical needs in an effective way without the use of Augmentative-Alternative Communication (AAC). As outlined in the AAC Evaluation Reported dated (DATE OF YOUR ORIGINAL REPORT), it is medically necessary for (CLIENT) to have access to a speech-generating device (SGD) so that (HIS/HER) medical needs can be expressed and met. (DOCTOR's NAME) was in agreement with my recommendation for purchase of the (DEVICE NAME) as the most cost-effective solution for meeting (CLIENT's) current medical communication needs.

On (DATE), I received notice that the E2510 (DEVICE NAME) was denied due to the following explanation:

(*INSERT THE WORDING TO MATCH WHAT WAS SAID IN YOUR DENIAL DOCUMENT)

I am appealing this decision based on the following information:

- **The (DEVICE) is sold/shipped as a dedicated SGD, locked from running Windows applications, and meets Medicare, Medicaid funding guidelines.** The (DEVICE) offers advanced functionality and user-friendly features, making communicating fast and easy. It is small, lightweight, and portable and includes Unity, the proven language system from PRC. (DEVICE) is preloaded NuVoice software. NuVoice, the powerhouse behind Unity, offers built-in support resources for users and clinicians, including a Context-Sensitive Help function. With the (DEVICE), users can communicate freely at home, in the classroom, and in medical environments, and participate in personal decisions and vocational pursuits which enhance quality of life.
- On April 29, 2015, the Centers for Medicare/Medicaid (CMS) released a draft of their proposed revised National Coverage Decision (NCD) for speech-generating devices. This revised NCD allows access to SGD features related to distance communication (i.e. texting, email, and telephone) as standard features available to beneficiaries who wish access them by paying a private fee to the SGD vendor to "unlock" the device. This revised NCD also makes it clear that SGD's non-communication capabilities, including environmental control and internet access, will be available to Medicare beneficiaries who need these features. According to the revised proposal to the NCD, *"A speech generating device is used by an individual with severe speech impairment to address the underlying medical problem of lack of ability to produce speech. The current NCD focuses primarily on the generation of audible speech communications with someone in close proximity who can hear the speech generated by the device. We believe it is appropriate to broaden coverage under the DME benefit category to cover speech generating devices that allow for more remote speech in the form of both audible and written communications (e.g., the generation of written messages, such as email and*

text messages, as well as the capability to interface electronically with a telephone to deliver speech via phone messages to individuals not in close proximity to the user of the device). We believe that a written message or phone message from an individual lacking the ability to speak serves the same purpose in communicating with individuals not in close proximity to the patient as generation of speech does in communicating with individuals who are in close proximity to the patient. For example, expressing an urgent need, such as when thirst or pain becomes unbearable, to a caregiver who is not in the home at the time serves the same purpose as expressing the need to a caregiver who is in the home at the time the message needs to be communicated. We do not liken this to the general use of safety or precautionary alert devices for reporting accidents that may or may not happen. An individual with severe speech impairment always needs to communicate regardless of where they are and the person to whom they are communicating is, and therefore, equipment allowing the patient to communicate remotely is not precautionary. As discussed above, speech generating devices, as defined under the NCD, meet the five prong definition for DME. We believe that a device that generates speech for a patient with severe speech impairment and is also capable of generating written messages or phone messages to allow the patient to communicate remotely with individuals still meets the definition of DME. We also believe the "dedication" requirement may be overly restrictive. As long as the speech generating device is limited to use by patients with severe speech impairment, and is primarily used for the purpose of generating speech, we do not believe it is necessary for a speech generating device to be dedicated only to speech generation in order to be considered DME."

If further information is needed to substantiate this request, please contact me. Thank you for your time.

Sincerely,

(YOUR NAME AND CREDENTIALS)

(TITLE)

(EMPLOYER NAME)

(EMPLOYER ADDRESS)

(EMPLOYER CITY, STATE, ZIP)

(PHONE)

(FAX)

(EMAIL)