

Memorandum on the Interagency Task Force To Examine the Role of Medicare and Medicaid Coverage of Assistive Technologies in Encouraging the Employment of Persons with Disabilities

September 21, 2000

Memorandum for the Attorney General, the Secretary of Health and Human Services, the Secretary of Education, the Secretary of Labor, the Secretary of Veterans Affairs

Subject: Interagency Task Force to Examine the Role of Medicare and Medicaid Coverage of Assistive Technologies in Encouraging the Employment of Persons with Disabilities

The Ticket to Work and Work Incentives Improvement Act of 1999, the last legislation that I signed during the 20th Century, was a breakthrough in helping persons with disabilities enter the workforce. Persons with disabilities can now return to work and retain their Medicare and Medicaid coverage. No longer will they be forced to make an unfair choice between work and essential health care coverage. The Work Incentives law affirms that persons with disabilities can and do make valuable contributions to society through participation in the American workforce.

In ensuring that persons with disabilities have the same opportunities to work as all Americans, our next step is to take advantage of the remarkable advances in “assistive technologies”—the innovative devices that facilitate independent living and meaningful employment for persons with disabilities. This year I have included \$100 million in my budget, an increase of \$14 million over FY 2000, for disability and technology research, including assistive technology research, at the National Institute on Disability and Rehabilitation Research. I have also included in my budget this year \$41 million for State-based assistive technology programs through the Department of Education. The National Center for Medical Rehabilitation Research, which is overseen by the National Institutes of Health, and the Department of Veterans Affairs, each provide \$30 million in grants for assistive technology research. Together, these funds will support comprehensive research and education on the use of assistive technologies to further integrate persons with disabilities into their community and the workforce.

While the Work Incentives law extended Medicare and Medicaid to workers with disabilities, the Federal Government must make a comprehensive effort to determine how best to make these programs more effective for persons with disabilities, including improved coverage of assistive technologies. It is especially important to examine how medically necessary assistive technologies may facilitate independent living and also support employment for persons with disabilities.

I hereby direct the Secretary of Health and Human Services to convene an interagency Task Force on Health Care Coverage of Assistive Technologies that includes the Departments of Health and Human Services, Justice, Education, Labor, Veterans Affairs, and other agencies, as appropriate. The Task Force shall study the role that Medicare and Medicaid does and should play in the coverage of assistive technology devices. The work of the Task Force is intended to provide a framework for future Medicare and Medicaid coverage decisions that complements my Administration’s overall efforts to promote employment opportunities for persons with disabilities.

I direct the Task Force to conduct a study on the role of Medicare and Medicaid in covering assistive technologies that encourage employment of individuals with disabilities. The study should:

- (a) examine current Medicare and Medicaid coverage of assistive technology devices and the cost of providing such coverage. Assess the current coverage criteria under Medicare and Medicaid with comparisons to the private insurance market. Review and evaluate other past and on-going research on Medicare and Medicaid coverage of assistive technologies;
- (b) seek input from the disability community to identify the types of medically necessary assistive technologies that facilitate independent living and employment. Develop criteria for identifying such devices;
- (c) determine whether provision of assistive technologies may substitute for other

Medicare and Medicaid health care services such as personal care services and, if so, provide an estimate of the potential savings;

- (d) analyze Medicare and Medicaid medical necessity guidelines to determine whether they can support employment while continuing to meet the health care focus of the Medicare and Medicaid programs. As we move toward an increased employment of persons with disabilities, there is a need to study the intersection of the concepts of disability, medical necessity, and employment;
- (e) determine an appropriate delineation of responsibility for coverage of assistive technologies between publicly financed health

care and employers by evaluating employers' responsibilities under the Americans with Disabilities Act, section 504 of the Rehabilitation Act, and the Assistive Technology Act; and

- (f) make recommendations for administrative and legislative changes to the Medicare and Medicaid programs, including an estimate of costs, to encourage coverage of medically necessary assistive technologies that also support employment of persons with disabilities.

This memorandum does not create any right or benefit, substantive or procedural, enforceable by a party at law against the United States, its officers or employees, or any other persons.

WILLIAM J. CLINTON

Remarks to the Michigan State Bar Association in Detroit, Michigan September 21, 2000

Thank you very much, ladies and gentlemen, and thank you for that warm welcome. Thank you, President Butzbaugh, for that introduction, even though you almost took my speech off with you. *[Laughter]*

And I also want to thank your incoming bar vice president, Reginald Turner, because he was a White House fellow, and I know he's chairing your Access to Justice Task Force now. And I was glad he was out there. Thank you. And I want to acknowledge the presence here of your attorney general, Jennifer Granholm, and the president of the Legal Services Corporation, John McKay, and Judge Harold Hood, the first State bar commission chair on gender, race, and ethnic bias issues. That's very important. I thank you.

I'd also like to say that my longtime friend Mayor Archer was here and had to leave, but his wife, Trudy Archer, is here. And I thank you, Trudy, for staying around. You've heard me speak a lot before, and you didn't have to do that. I thank you.

When the mayor heard I was going to be in Michigan today, he told me you were here, and you were interested in these access-to-justice issues. And he told me that I was coming to the bar association. *[Laughter]* We've been friends, as I said, a very, very long time. He

and Hillary used to work together in the ABA, back when he was a judge and before I was President, on the participation of women and minorities in the bar. So I've known Dennis for many years, and we share a common interest in a lot of the things that you're concerned about now.

I would like to begin by congratulating those who were honored for 50 years of service in the legal profession. A tremendous amount has been done in the last half century to increase access to justice, from the establishment of our modern civil rights laws to the creation of Legal Services Corporation, to the acceptance of public interest practice, to the growing numbers of women and minorities in the profession. And Michigan lawyers clearly have been on the forefront of those efforts. I already mentioned the role Mayor Archer played in the ABA when he was on the supreme court.

I'd like to mention two of those honored tonight: Leonard Grossman has given a lifetime service for civil liberties, and Judge Damon Keith, who I had the honor to know before I was President, for his life of service in civil rights.

Tonight I would like to talk about a couple of issues that I think are profoundly important