

**Disability Services Advisory Council of Clackamas County  
4382 International Way, Suite C. Milwaukie, Oregon 97222**

March 9, 2015

House Healthcare Committee  
900 Court St. NE  
Salem, OR 97310

**Re: HB 2937**

Dear Chair Greenlick and House Healthcare Committee Members:

The Disability Services Advisory Council of Clackamas County is a citizen's advisory group that advises the local APD office and advocates for the rights and needs of people with disabilities.

We are writing in support of HB 2937. This bill would ensure that people with physical disabilities are able to access durable medical equipment such as a wheelchair, walker, ventilator supplies, cognitive supports, cushion, mattress, etc., that best meets their needs in their homes and communities. Currently, people with disabilities who are served through the OHP/Medicaid program cannot obtain certain critical durable medical equipment under the federal Medicaid program; they can only obtain durable medical equipment that meets Medicare guidelines.

This restriction prevents people from securing the durable medical equipment that best meets their needs as prescribed by their doctor and/or physical therapist. This correct equipment makes a significant difference in prevention of further physical damage and in ensuring maximum physical capabilities and mobility. Restricting access to needed durable medical equipment creates more medical issues for people, leading only to more severe and frequent medical intervention, surgery, hospitalization, etc. Providing access to the equipment that specifically meets the person's needs also keeps the individual as healthy as possible. Establishing more expansive and permissive federal Medicaid guidelines also promotes durability in equipment. Equipment that stands up to use outside of the home results in more independence, socialization, and a better chance for education and employment.

We believe the current rule operates in violation of the Supreme Court's Olmstead Case, the Americans with Disabilities Act, the Medicaid Rehabilitation Act and other Federal and State laws promoting independence and a least restrictive environment for individuals with disabilities. OHP consumers with restricted durable medical equipment access will end up confined in their homes. We know that confinement results in declining physical health, but it also greatly affects mental health. It produces

negative feelings of low self-esteem and worthlessness, it creates dependence and eliminates choice, and it robs people with disabilities of their independence, dignity, and choice.

With proper and appropriate durable medical equipment, Oregon's citizens with disabilities would be able to live healthier physical & social lives and retain more of their independence, at home, at work, at church, at the movies, and everywhere else. To deny our citizens the dignity, choice and self-respect that come with better equipment is just unacceptable. Every Oregon citizen has a right to be an active and contributing member of their community.

The "in-home use only" phrase is one of Medicare's guidelines that are currently being added to OHP, resulting in the limited access to durable medical equipment that is needed for maximum independence, dignity, and choice. We strongly recommend that Oregon lawmakers and State officials disconnect this Medicare guideline from our OHP/Medicaid consumers' plans, and eliminate it from the program entirely.

Thank you for your serious consideration of this request. We offer our assistance to the Committee and to our State officials in making this critical change.

Sincerely,

*Michael Parker*

Michael Parker, Vice Chair  
MTParker@yahoo.com  
Disability Services Advisory Council of Clackamas County

CC: Erinn Kelley-Siel, DHS Director  
Mike McCormick, APD Director  
Ashley Carson Cottingham, APD Deputy Director  
Gene Sundet, Clackamas County Office of DHS/APD District Manager  
Dale Penn, Campaign for Oregon's Seniors and People with Disabilities  
Oregon Disabilities Commission (Max Brown)  
**Rep. Cedric Hayden**  
Rep. Rob Nosse  
**Rep. Knute Buehler**  
Rep. Brian Clem  
Rep. Bill Kennemer  
Rep. Alissa Keny-Guyer  
Rep. John Lively