

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 14-0278.01 Brita Darling x2241

HOUSE BILL 14-1211

HOUSE SPONSORSHIP

Young, Ginal, Singer, Tyler

SENATE SPONSORSHIP

Tochtrop,

House Committees

Public Health Care & Human Services

Appropriations

Senate Committees

A BILL FOR AN ACT

101 CONCERNING ENSURING ACCESS TO QUALITY COMPLEX
102 REHABILITATION TECHNOLOGY IN THE MEDICAID PROGRAM.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill requires the department of health care policy and financing (department) to recognize complex rehabilitation technology as a specific need of persons with complex diagnoses or medical conditions that result in significant physical or functional needs.

The department must designate appropriate billing codes as

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.

Capital letters indicate new material to be added to existing statute.

Dashes through the words indicate deletions from existing statute.

complex rehabilitation technology and establish supplier quality standards for complex rehabilitation technology suppliers. Additionally, the department must require evaluation of complex needs patients by qualified professionals for purposes of identifying appropriate complex rehabilitation technology. Further, the department must develop pricing policies for complex rehabilitation technology.

The bill defines terms relating to complex rehabilitation technology.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** 25.5-5-323 as
3 follows:

4 **25.5-5-323. Complex rehabilitation technology - definitions -**
5 **legislative declaration.** (1) THE GENERAL ASSEMBLY FINDS AND
6 DECLARES IT IS IN THE BEST INTERESTS OF THE PEOPLE OF THE STATE OF
7 COLORADO TO:

8 (a) PROTECT ACCESS FOR COMPLEX NEEDS PATIENTS TO
9 IMPORTANT TECHNOLOGY AND SUPPORTING SERVICES;

10 (b) ESTABLISH AND IMPROVE SAFEGUARDS RELATING TO THE
11 DELIVERY AND PROVISION OF MEDICALLY NECESSARY COMPLEX
12 REHABILITATION TECHNOLOGY;

13 (c) PROVIDE SUPPORTS FOR COMPLEX NEEDS PATIENTS TO STAY IN
14 THE HOME OR COMMUNITY SETTING, PREVENT INSTITUTIONALIZATION,
15 AND PREVENT HOSPITALIZATION AND OTHER COSTLY SECONDARY
16 COMPLICATIONS; AND

17 (d) ESTABLISH ADEQUATE PRICING FOR COMPLEX REHABILITATION
18 TECHNOLOGY FOR THE PURPOSE OF ALLOWING CONTINUED ACCESS TO
19 APPROPRIATE PRODUCTS AND RELATED SERVICES.

20 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
21 REQUIRES:

1 (a) "COMPLEX NEEDS PATIENT" MEANS AN INDIVIDUAL WITH A
2 DIAGNOSIS OR MEDICAL CONDITION THAT RESULTS IN SIGNIFICANT
3 PHYSICAL OR FUNCTIONAL NEEDS AND CAPACITIES. "COMPLEX NEEDS
4 PATIENT" INCLUDES INDIVIDUALS WITH PROGRESSIVE OR DEGENERATIVE
5 NEUROMUSCULAR DISEASES, CONGENITAL DISORDERS, OR INJURIES OR
6 TRAUMA THAT RESULTED IN SIGNIFICANT PHYSICAL OR FUNCTIONAL NEEDS
7 AND CAPACITIES, INCLUDING BUT NOT LIMITED TO INDIVIDUALS WITH
8 SPINAL CORD INJURY, TRAUMATIC BRAIN INJURY, CEREBRAL PALSY,
9 MUSCULAR DYSTROPHY, SPINA BIFIDA, OSTEOGENESIS IMPERFECTA,
10 ARTHROGRYPOSIS, AMYOTROPHIC LATERAL SCLEROSIS, MULTIPLE
11 SCLEROSIS, DEMYELINATING DISEASE, MYELOPATHY, MYOPATHY,
12 PROGRESSIVE MUSCULAR ATROPHY, ANTERIOR HORN CELL DISEASE,
13 POST-POLIO SYNDROME, CEREBELLAR DEGENERATION, DYSTONIA,
14 HUNTINGTON'S DISEASE, SPINOCEREBELLAR DISEASE, AND CERTAIN TYPES
15 OF AMPUTATION, PARALYSIS, OR PARESIS THAT RESULT IN SIGNIFICANT
16 PHYSICAL OR FUNCTIONAL NEEDS AND CAPACITIES.

17 (b) (I) "COMPLEX REHABILITATION TECHNOLOGY" MEANS
18 MEDICALLY NECESSARY DURABLE MEDICAL EQUIPMENT AND ITEMS THAT
19 ARE INDIVIDUALLY CONFIGURED FOR INDIVIDUALS TO MEET THEIR SPECIFIC
20 AND UNIQUE MEDICAL, PHYSICAL, AND FUNCTIONAL NEEDS AND
21 CAPACITIES FOR BASIC ACTIVITIES OF DAILY LIVING AND INSTRUMENTAL
22 ACTIVITIES OF DAILY LIVING OF A COMPLEX NEEDS PATIENT. SUCH
23 EQUIPMENT AND ITEMS INCLUDE, BUT ARE NOT LIMITED TO, INDIVIDUALLY
24 CONFIGURED POWER WHEELCHAIRS AND ACCESSORIES, INDIVIDUALLY
25 CONFIGURED MANUAL WHEELCHAIRS AND ACCESSORIES, ADAPTIVE
26 SEATING AND POSITIONING SYSTEMS AND ACCESSORIES, AND OTHER
27 SPECIALIZED EQUIPMENT SUCH AS STANDING FRAMES AND GAIT TRAINERS.

1 (II) "COMPLEX REHABILITATION TECHNOLOGY" ALSO INCLUDES
2 CERTAIN SERVICES TO ENSURE APPROPRIATE DESIGN, CONFIGURATION,
3 AND USE OF THE EQUIPMENT AND ITEMS. THESE SERVICES INCLUDE, BUT
4 ARE NOT LIMITED TO, EVALUATION, CONFIGURATION, FITTING,
5 ADJUSTMENT, AND PROGRAMMING.

6 (c) "INDIVIDUALLY CONFIGURED" MEANS THE COMBINATION OF
7 FEATURES, ADJUSTMENTS, OR MODIFICATIONS A SUPPLIER MAKES TO AN
8 ITEM THAT ARE SPECIFIC TO AN INDIVIDUAL AND THAT THE SUPPLIER
9 PROVIDES BY MEASURING, FITTING, PROGRAMMING, ADJUSTING, OR
10 ADAPTING THE ITEM AS APPROPRIATE SO THAT THE ITEM IS CONSISTENT
11 WITH AN ASSESSMENT OR EVALUATION BY A QUALIFIED HEALTH CARE
12 PROFESSIONAL AND CONSISTENT WITH THE INDIVIDUAL'S MEDICAL
13 CONDITION, PHYSICAL AND FUNCTIONAL NEEDS, CAPACITIES, BODY SIZE,
14 PERIOD OF NEED, AND INTENDED USE.

15 (d) "QUALIFIED COMPLEX REHABILITATION TECHNOLOGY
16 PROFESSIONAL" MEANS AN INDIVIDUAL WHO IS CERTIFIED BY THE
17 REHABILITATION ENGINEERING AND ASSISTIVE TECHNOLOGY SOCIETY OF
18 NORTH AMERICA AS AN ASSISTIVE TECHNOLOGY PROFESSIONAL.

19 (e) "QUALIFIED COMPLEX REHABILITATION TECHNOLOGY
20 SUPPLIER" MEANS A COMPANY OR ENTITY THAT:

21 (I) IS ACCREDITED BY A RECOGNIZED ACCREDITING ORGANIZATION
22 AS A SUPPLIER OF COMPLEX REHABILITATION TECHNOLOGY;

23 (II) IS ENROLLED IN THE MEDICARE PROGRAM AND MEETS THE
24 SUPPLIER AND QUALITY STANDARDS ESTABLISHED FOR DURABLE MEDICAL
25 EQUIPMENT SUPPLIERS UNDER THE MEDICARE PROGRAM;

26 (III) EMPLOYS AT LEAST ONE QUALIFIED COMPLEX
27 REHABILITATION TECHNOLOGY PROFESSIONAL FOR EACH LOCATION TO:

1 (A) ANALYZE THE NEEDS AND CAPACITIES OF COMPLEX NEEDS
2 PATIENTS FOR A COMPLEX REHABILITATION TECHNOLOGY ITEM IN
3 CONSULTATION WITH THE EVALUATING CLINICAL TEAM, WHICH TYPICALLY
4 INCLUDES, AT A MINIMUM, A PHYSICIAN AND A LICENSED PHYSICAL
5 THERAPIST OR OCCUPATIONAL THERAPIST;

6 (B) ASSIST IN SELECTING APPROPRIATE COMPLEX REHABILITATION
7 TECHNOLOGY ITEMS FOR SUCH NEEDS AND CAPACITIES; AND

8 (C) PROVIDE THE COMPLEX NEEDS PATIENT
9 TECHNOLOGY-RELATED TRAINING IN THE PROPER USE AND MAINTENANCE
10 OF THE SELECTED COMPLEX REHABILITATION TECHNOLOGY ITEMS;

11 (IV) HAS THE QUALIFIED COMPLEX REHABILITATION TECHNOLOGY
12 PROFESSIONAL PHYSICALLY PRESENT FOR THE EVALUATION AND
13 DETERMINATION OF THE APPROPRIATE INDIVIDUALLY CONFIGURED
14 COMPLEX REHABILITATION TECHNOLOGY FOR THE COMPLEX NEEDS
15 PATIENT;

16 (V) HAS THE CAPABILITY TO PROVIDE SERVICE AND REPAIR BY
17 QUALIFIED TECHNICIANS FOR ALL COMPLEX REHABILITATION TECHNOLOGY
18 PRODUCTS IT SELLS; AND

19 (VI) PROVIDES THE COMPLEX NEEDS PATIENT WRITTEN
20 INFORMATION AT THE TIME OF SALE AS TO HOW TO ACCESS SERVICE AND
21 REPAIR.

22 (3) THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING
23 SHALL PROVIDE A SEPARATE RECOGNITION WITHIN THE STATE'S MEDICAID
24 PROGRAM ESTABLISHED UNDER ARTICLES 4, 5, AND 6 OF THIS TITLE FOR
25 COMPLEX REHABILITATION TECHNOLOGY AND SHALL MAKE OTHER
26 REQUIRED CHANGES TO PROTECT ACCESS TO APPROPRIATE PRODUCTS AND
27 SERVICES. SUCH SEPARATE RECOGNITION SHALL TAKE INTO

1 CONSIDERATION THE CUSTOMIZED NATURE OF COMPLEX REHABILITATION
2 TECHNOLOGY AND THE BROAD RANGE OF RELATED SERVICES NECESSARY
3 TO MEET THE UNIQUE MEDICAL AND FUNCTIONAL NEEDS OF PEOPLE WITH
4 COMPLEX NEEDS AND INCLUDE THE FOLLOWING:

5 (a) DESIGNATING APPROPRIATE CURRENT BILLING CODES AS
6 COMPLEX REHABILITATION TECHNOLOGY AND, AS NEEDED, CREATING NEW
7 COMPLEX REHABILITATION TECHNOLOGY BILLING CODES;

8 (b) ADOPTING SPECIFIC SUPPLIER STANDARDS, AS DESCRIBED IN
9 PARAGRAPH (e) OF SUBSECTION (2) OF THIS SECTION, FOR COMPANIES OR
10 ENTITIES THAT PROVIDE COMPLEX REHABILITATION TECHNOLOGY AND
11 RESTRICTING THE PROVISION OF COMPLEX REHABILITATION TECHNOLOGY
12 TO THOSE COMPANIES OR ENTITIES THAT MEET THE SUPPLIER STANDARDS;

13 (c) REQUIRING COMPLEX NEEDS PATIENTS RECEIVING CERTAIN
14 COMPLEX REHABILITATION TECHNOLOGY, SUCH AS INDIVIDUALLY
15 CONFIGURED POWER WHEELCHAIRS AND ACCESSORIES, INDIVIDUALLY
16 CONFIGURED MANUAL WHEELCHAIRS AND ACCESSORIES, ADAPTIVE
17 SEATING AND POSITIONING SYSTEMS AND ACCESSORIES, AND OTHER
18 SPECIALIZED EQUIPMENT SUCH AS STANDING FRAMES AND GAIT TRAINERS,
19 TO BE EVALUATED BY:

20 (I) A QUALIFIED HEALTH CARE PROFESSIONAL, INCLUDING BUT NOT
21 LIMITED TO A LICENSED PHYSICAL THERAPIST, A LICENSED OCCUPATIONAL
22 THERAPIST, OR OTHER LICENSED HEALTH CARE PROFESSIONAL WHO HAS NO
23 FINANCIAL RELATIONSHIP WITH THE COMPLEX REHABILITATION
24 TECHNOLOGY SUPPLIER AND PERFORMS SPECIALTY EVALUATIONS WITHIN
25 HIS OR HER SCOPE OF PRACTICE; AND

26 (II) A QUALIFIED COMPLEX REHABILITATION TECHNOLOGY
27 PROFESSIONAL;

1 (d) DEVELOPING PRICING POLICIES FOR COMPLEX REHABILITATION
2 TECHNOLOGY, INCLUDING THE FOLLOWING:

3 (I) ENSURING THAT THE REIMBURSEMENT AMOUNTS FOR COMPLEX
4 REHABILITATION TECHNOLOGY AND SUPPORTING CLINICAL COMPLEX
5 REHABILITATION TECHNOLOGY SERVICES ARE ADEQUATE TO PROVIDE
6 QUALIFIED INDIVIDUALS WITH ACCESS TO THE ITEMS, TAKING INTO
7 ACCOUNT THE UNIQUE NEEDS OF COMPLEX NEEDS PATIENTS AND THE
8 COMPLEXITY AND CUSTOMIZATION OF COMPLEX REHABILITATION
9 TECHNOLOGY;

10 (II) EXEMPTING COMPLEX REHABILITATION TECHNOLOGY FROM
11 INCLUSION IN COMPETITIVE BIDDING PROGRAMS OR SIMILAR PROCESSES;
12 AND

13 (III) PRESERVING THE OPTION TO PURCHASE IN A LUMP SUM ALL
14 COMPLEX REHABILITATION TECHNOLOGY AS THE METHOD OF PAYMENT;
15 AND

16 (e) MAKING OTHER CHANGES AS NEEDED TO PROTECT ACCESS TO
17 COMPLEX REHABILITATION TECHNOLOGY FOR COMPLEX NEEDS PATIENTS.

18 **SECTION 2.** In Colorado Revised Statutes, 25.5-5-404, **add** (1)
19 (v) as follows:

20 **25.5-5-404. Selection of managed care entities.** (1) In addition
21 to any other criteria specified in rule by the state board, in order to
22 participate in the managed care system, the MCE shall comply with
23 specific criteria that include, but are not limited to, the following:

24 (v) THE MCE SHALL COMPLY WITH PROVISIONS RELATING TO
25 COMPLEX REHABILITATION TECHNOLOGY ESTABLISHED BY THE STATE
26 DEPARTMENT PURSUANT TO SECTION 25.5-5-323.

27 **SECTION 3. Act subject to petition - effective date.** This act

1 takes effect January 1, 2015; except that, if a referendum petition is filed
2 pursuant to section 1 (3) of article V of the state constitution against this
3 act or an item, section, or part of this act within the ninety-day period
4 after final adjournment of the general assembly, then the act, item,
5 section, or part will not take effect unless approved by the people at the
6 general election to be held in November 2014 and, in such case, will take
7 effect on January 1, 2015, or on the date of the official declaration of the
8 vote thereon by the governor, whichever is later.