

113TH CONGRESS  
1ST SESSION

# S. 948

To amend title XVIII of the Social Security Act to provide for coverage and payment for complex rehabilitation technology items under the Medicare program.

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IN THE SENATE OF THE UNITED STATES

MAY 14, 2013

Mr. SCHUMER (for himself and Mr. COCHRAN) introduced the following bill;  
which was read twice and referred to the Committee on Finance

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## A BILL

To amend title XVIII of the Social Security Act to provide for coverage and payment for complex rehabilitation technology items under the Medicare program.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Ensuring Access to  
5 Quality Complex Rehabilitation Technology Act of 2013”.

1 **SEC. 2. ESTABLISHING SEPARATE BENEFIT CATEGORY FOR**  
 2 **COMPLEX REHABILITATION TECHNOLOGIES**  
 3 **WITHIN MEDICARE.**

4 (a) NEW CATEGORY.—Section 1861 of the Social Se-  
 5 curity Act (42 U.S.C. 1395x) is amended—

6 (1) in subsection (s)(2)—

7 (A) in subparagraph (EE), by striking  
 8 “and” at the end;

9 (B) in subparagraph (FF), by inserting  
 10 “and” at the end; and

11 (C) by inserting after subparagraph (FF)  
 12 the following new paragraph:

13 “(GG) complex rehabilitation technology  
 14 items (as defined in subsection (iii));”; and

15 (2) by adding at the end the following new sub-  
 16 section:

17 “Complex Rehabilitation Technology Item

18 “(iii)(1) The terms ‘complex rehabilitation technology  
 19 item’ and ‘CRT item’ mean an item that—

20 “(A) is designed and configured for a specific  
 21 qualified individual to meet the individual’s unique—

22 “(i) medical, physical, and functional needs  
 23 related to a medical condition; and

24 “(ii) capacities for basic activities of daily  
 25 living and instrumental activities of daily living;

1           “(B) is primarily used to serve a medical pur-  
2           pose and is generally not useful to a person in the  
3           absence of illness or injury; and

4           “(C) requires certain services to ensure appro-  
5           priate design, configuration, and use of such item,  
6           including—

7                   “(i) an evaluation of needs and capacities  
8                   and matching of the features and functions of  
9                   CRT items to the qualified individual who will  
10                  use such an item; and

11                   “(ii) configuring, fitting, programming, ad-  
12                   justing, or adapting the particular complex re-  
13                   habilitation technology item for use by such in-  
14                   dividual.

15           “(2)(A) The Secretary, in consultation with the Di-  
16           rector of Office on Disability, the Chairman of the Na-  
17           tional Council on Disability, the Executive Director on the  
18           Interagency Committee on Disability, the Director of the  
19           National Institute on Disability and Rehabilitation Re-  
20           search of the Department of Education, and the Co-Chair-  
21           men of the Senior Oversight Committee’s Care Manage-  
22           ment Reform Team of the Department of Defense and the  
23           Veterans Administration, shall, by regulation—

24                   “(i) designate items as complex rehabilitation  
25                  technology items; and

1           “(ii) establish eligibility criteria to determine if  
2           an individual is a qualified individual based on the  
3           level of physical and functional needs and capacities  
4           related to a medical condition or conditions de-  
5           scribed in subparagraph (E).

6           “(B) The items designated as complex rehabilitation  
7           technology items under subparagraph (A)(i) shall include  
8           items which, as of January 1, 2013 , were classified within  
9           the following HCPCS codes: E0637, E0638, E0641,  
10          E0642, E0986, E1002, E1003, E1004, E1005, E1006,  
11          E1007, E1008, E1009, E1010, E1011, E1014, E1037,  
12          E1161, E1220, E1228, E1229, E1231, E1232, E1233,  
13          E1234, E1235, E1236, E1237, E1238, E1239 E2209,  
14          E2291, E2292, E2293, E2294, E2295, E2300, E2301,  
15          E2310, E2311, E2312, E2313, E2321, E2322, E2323,  
16          E2324, E2325, E2326, E2327, E2328, E2329, E2330,  
17          E2331, E2351, E2373, E2374, E2376, E2377, E2609,  
18          E2610, E2617, E8000, E8001, E8002, K0005, K0835,  
19          K0836, K0837, K0838, K0839, K0840, K0841, K0842,  
20          K0843, K0848, K0849, K0850, K0851, K0852, K0853,  
21          K0854, K0855, K0856, K0857, K0858, K0859, K0860,  
22          K0861, K0862, K0863, K0864, K0868, K0869, K0870,  
23          K0871, K0877, K0878, K0879, K0880, K0884, K0885,  
24          K0886, K0890, K0891, and K0898.

1 “(C)(i) The items designated as complex rehabilita-  
2 tion technology items under subparagraph (A)(i) shall in-  
3 clude each item that—

4 “(I) as of January 1, 2013, was classified with-  
5 in the HCPCS codes under clause (ii); and

6 “(II) the Secretary, acting in consultation with  
7 suppliers and manufacturers of CRT items, deter-  
8 mines which item should be removed from such code  
9 and assigned a new HCPCS code because such item  
10 is a complex rehabilitation technology item.

11 “(ii) The HCPCS codes under this clause are the fol-  
12 lowing: E0143, E0950, E0951, E0952, E0955, E0956,  
13 E0957, E0958, E0960, E0967, E0978, E0990, E1015,  
14 E1016, E1028, E1029, E1030, E2205, E2208, E2231,  
15 E2368, E2369, E2370, E2605, E2606, E2607, E2608,  
16 E2613, E2614, E2615, E2616, E2620, E2621, E2624,  
17 E2625, K0004, K0009, K0040, K0108, and K0669.

18 “(D) The Secretary may not designate as a complex  
19 rehabilitation technology item—

20 “(i) adaptive equipment to operate motor vehi-  
21 cles;

22 “(ii) prosthetic devices described in subsection  
23 (s)(8); or

24 “(iii) orthotics and prosthetics described in sub-  
25 section (s)(9).

1       “(E) In establishing the eligibility criteria under sub-  
2 paragraph (A)(ii), the Secretary shall include appropriate  
3 physical and functional needs and capacities arising from  
4 any of the following medical conditions:

5           “(i) Congenital disorders, progressive or degen-  
6 erative neuromuscular diseases, or injuries or trau-  
7 ma that result in significant physical or functional  
8 needs and capacities.

9           “(ii) Spinal cord injury, traumatic brain injury,  
10 cerebral palsy, muscular dystrophy, spina bifida,  
11 osteogenesis imperfecta, arthrogyriposis, amyotrophic  
12 lateral sclerosis, multiple sclerosis, demyelinating  
13 disease, myelopathy, myopathy, progressive muscular  
14 atrophy, anterior horn cell disease, post-polio syn-  
15 drome, cerebellar degeneration, dystonia, Hunting-  
16 ton’s disease, or spinocerebellar disease.

17           “(iii) Certain types of amputation, paralysis, or  
18 paresis that result in significant physical or func-  
19 tional needs and capacities.

20       “(F)(i) For 2014, the Secretary shall publish—

21           “(I) a list of items designated under subpara-  
22 graph (A)(i) and the HCPCS codes for such items;  
23 and

24           “(II) the eligibility criteria established under  
25 subparagraph (A)(ii).

1       “(ii) For 2015 and each subsequent year, the Sec-  
2 retary shall publish any necessary updates to such list (in-  
3 cluding additions of new CRT items and any changes in  
4 applicable HCPCS codes) and to such eligibility criteria.

5       “(G) The Secretary shall make available, on a public  
6 Web site, the process by which the Secretary will consider  
7 requests from members of the public that the Secretary—

8           “(i) designate an item as a CRT item under  
9 subparagraph (A)(i); or

10          “(ii) amend the eligibility criteria established  
11 under subparagraph (A)(ii).

12       “(3) For purposes of this subsection:

13           “(A) The term ‘capacity for basic activities of  
14 daily living’ means an individual’s capacity to safely  
15 participate in mobility and self-care activities includ-  
16 ing—

17           “(i) maintaining and changing body posi-  
18 tion;

19           “(ii) transferring to or from one surface to  
20 another;

21           “(iii) walking;

22           “(iv) moving from place to place using mo-  
23 bility equipment, in a safe and timely manner;

24           “(v) washing one’s self;

25           “(vi) caring for the body;

1 “(vii) toileting;

2 “(viii) dressing;

3 “(ix) eating;

4 “(x) drinking;

5 “(xi) looking after one’s health; and

6 “(xii) carrying, moving, and handling ob-

7 jects to perform and participate in other activi-

8 ties under this subparagraph and subparagraph

9 (B).

10 “(B) The term ‘capacity for instrumental activi-

11 ties of daily living’ means an individual’s capacity to

12 safely participate in life situations in the home and

13 community, including—

14 “(i) communicating;

15 “(ii) moving around using transportation;

16 “(iii) acquiring necessities, goods, and

17 services;

18 “(iv) performing household tasks;

19 “(v) caring for household members and

20 family members;

21 “(vi) caring for household objects;

22 “(vii) engaging in education, work, employ-

23 ment and economic life; and

24 “(viii) participating in community, social,

25 and civic activities.



1           “(C) The term ‘HCPCS’ refers to the Health  
2           Care Procedure Coding System.

3           “(D) The term ‘individually-configured’ means,  
4           with respect to an item, that—

5                   “(i) the item has a combination of fea-  
6                   tures, adjustments, or modifications that are  
7                   specific to the individual who uses such item;  
8                   and

9                   “(ii) the supplier of such item must meas-  
10                  ure the individual and configure, fit, program,  
11                  adjust, or adapt the item, as appropriate, so  
12                  that the item is consistent with—

13                   “(I) an assessment or evaluation of  
14                   the individual by an appropriate licensed  
15                   clinician;

16                   “(II) the written order required under  
17                   section 1834(p)(2)(B)(i); and

18                   “(III) medical condition, physical and  
19                   functional needs and capacities, and body  
20                   size of the individual who will use the item,  
21                   the period for which such individual will  
22                   need such item, and the intended use of  
23                   such item by such individual.

24           “(E) The term ‘qualified individual’ means an  
25           individual who—

1 “(i) is enrolled under part B; and

2 “(ii) has physical and functional needs and  
3 capacities that arise from a medical condition  
4 that meet the eligibility criteria established by  
5 the Secretary under paragraph (2)(A)(ii).”.

6 **SEC. 3. PAYMENT RULES.**

7 Section 1834 of the Social Security Act (42 U.S.C.  
8 1395m) is amended by adding at the end the following:

9 “(p) COVERAGE AND PAYMENT FOR CRT ITEMS.—

10 “(1) GENERAL RULE FOR PAYMENT.—

11 “(A) IN GENERAL.—Not later than the  
12 date that is one year after the date of the en-  
13 actment of this subsection, subject to subpara-  
14 graph (B), the Secretary shall determine a pay-  
15 ment system that shall apply to CRT items—

16 “(i) with HCPCS codes that were as-  
17 signed to the item under section  
18 1861(iii)(2)(C)(i)(II);

19 “(ii) for which no HCPCS code was  
20 assigned prior to such date; or

21 “(iii) which, prior to such date, was  
22 classified under a miscellaneous HCPCS  
23 code.

1           “(B) CONSIDERATIONS.—In determining  
2 the payment system under subparagraph (A),  
3 the Secretary—

4           “(i) may disregard the freezes on CPI  
5 increases to the payment amounts for du-  
6 rable medical equipment that occurred be-  
7 fore the date of the enactment of this sub-  
8 section, when determining the payment  
9 amount for CRT items; and

10           “(ii) shall ensure that the payment  
11 amounts for CRT items under such system  
12 are adequate to provide qualified individ-  
13 uals with access to such items and to en-  
14 courage innovation, taking into account—

15           “(I) the unique needs of qualified  
16 individuals for access to CRT items;

17           “(II) the unique complexity of  
18 CRT items; and

19           “(III) the resources and staff  
20 needed to provide appropriate  
21 customization of CRT items for a  
22 qualified individual.

23           “(C) EXCLUSIVE PAYMENT RULE.—This  
24 subsection shall constitute the exclusive provi-  
25 sion of this title for payment for CRT items

1 under this part or under part A to a home  
2 health agency.

3 “(D) LIMITATION ON PAYMENT.—No pay-  
4 ment shall be made under this subsection for a  
5 CRT item unless such CRT item—

6 “(i) is provided to a qualified indi-  
7 vidual;

8 “(ii) meets the clinical conditions for  
9 coverage established under paragraph (2);  
10 and

11 “(iii) is furnished by a supplier ac-  
12 credited pursuant to paragraph (3).

13 “(2) CLINICAL CONDITIONS FOR COVERAGE.—

14 “(A) IN GENERAL.—The Secretary shall  
15 establish standards for clinical conditions for  
16 payment for CRT items under this subsection.

17 “(B) REQUIREMENTS.—The standards es-  
18 tablished under subparagraph (A) shall require  
19 the following:

20 “(i) WRITTEN ORDER.—

21 “(I) IN GENERAL.—A qualified  
22 ordering practitioner shall provide a  
23 written order for a CRT item for a  
24 qualified individual before the Sec-  
25 retary may provide payment for such

1 item for such individual under this  
2 subsection.

3 “(II) CRT EVALUATION.—In the  
4 case of a CRT item that is cat-  
5 egorized by the Secretary, for pur-  
6 poses of the program under this title,  
7 as a manual wheelchair or a power  
8 wheelchair, and is to be provided to a  
9 qualified individual who has a diag-  
10 nosis specified under subparagraph  
11 (C), the qualified ordering practitioner  
12 may not provide a written order under  
13 subclause (I) unless the qualified indi-  
14 vidual has undergone a CRT evalua-  
15 tion conducted by a licensed physical  
16 therapist or occupational therapist  
17 who has no financial relationship with  
18 the CRT supplier.

19 “(ii) DOCUMENTATION OF MEDICAL  
20 NECESSITY.—A qualified ordering practi-  
21 tioner who provides a written order under  
22 clause (i) shall maintain documentation of  
23 the medical necessity of such order for a  
24 period of seven years and shall make such  
25 documentation available to the Secretary

1           upon request. The documentation of med-  
2           ical necessity under this clause shall in-  
3           clude—

4                   “(I) evidence that the individual  
5                   for whom the order was written has  
6                   physical and functional needs and ca-  
7                   pacities related to a medical condition  
8                   that meet the eligibility criteria estab-  
9                   lished           under           section  
10                  1861(iii)(2)(A)(ii); and

11                   “(II) evidence of any CRT eval-  
12                  uation required under clause (i)(II).

13                  “(C) SPECIFICATION OF DIAGNOSIS FOR  
14                  CRT EVALUATION.—The Secretary, in consulta-  
15                  tion with relevant parties (including the agen-  
16                  cies listed in section 1861(iii)(2)(A), physicians,  
17                  licensed physical therapists, licensed occupa-  
18                  tional therapists, and suppliers of complex reha-  
19                  bilitation technologies) shall specify the diag-  
20                  noses and other medical presentations for which  
21                  the requirement for a CRT evaluation under  
22                  subparagraph (B)(i)(II) shall apply.

23                  “(D) COVERAGE DETERMINATIONS.—In  
24                  developing the standards under subparagraph

1 (A), the coverage of CRT items with respect to  
2 an individual shall be based on—

3 “(i) the specific medical, physical, and  
4 functional needs of the individual;

5 “(ii) the individual’s capacities for  
6 safe participation in basic activities of  
7 daily living and instrumental activities of  
8 daily living in all routinely encountered en-  
9 vironments (as such terms are defined in  
10 section 1861(iii)(3)); and

11 “(iii) the individual’s expected pro-  
12 gression of such needs and capacities.

13 “(E) PAYMENT FOR RESIDENTS OF  
14 SKILLED NURSING FACILITIES.—In the case of  
15 a qualified individual who is a resident of a  
16 skilled nursing facility, payment may only be  
17 made under this subsection for a CRT item for  
18 such individual if such CRT item is required as  
19 part of a plan of care to allow the transition of  
20 such individual from the skilled nursing facility  
21 to a home or community setting.

22 “(3) ESTABLISHMENT OF QUALITY STAND-  
23 ARDS.—

24 “(A) ESTABLISHMENT.—The Secretary  
25 shall establish, through regulation, quality

1 standards for suppliers of CRT items. Such  
2 standards shall be applied prospectively and  
3 shall be published on the Internet Web site of  
4 the Centers for Medicare and Medicaid Serv-  
5 ices.

6 “(B) CONSULTATION.—In establishing the  
7 quality standards under subparagraph (A), the  
8 Secretary shall consult with relevant parties (in-  
9 cluding clinicians, consumer groups, suppliers,  
10 and manufacturers).

11 “(C) REQUIREMENTS OF STANDARDS.—In  
12 establishing the quality standards under sub-  
13 paragraph (A), the Secretary shall require that  
14 the suppliers of CRT items meet the following  
15 requirements:

16 “(i) DME STANDARDS AS MINIMUM.—  
17 The supplier complies with all of the  
18 standards that are applicable to suppliers  
19 of durable medical equipment under sub-  
20 section (a)(20) and suppliers of medical  
21 equipment and supplies under subsection  
22 (j).

23 “(ii) QUALIFIED CRT PROFES-  
24 SIONAL.—The supplier of a CRT item  
25 makes available, in each service area



1 served by such supplier, at least one quali-  
2 fied CRT professional to—

3 “(I) analyze the needs and capaci-  
4 ties of individuals for a CRT item in  
5 collaboration with the clinical team;

6 “(II) assist in selecting an appro-  
7 priate CRT item for such individual,  
8 given such needs and capacities; and

9 “(III) provide technology-related  
10 training to such individual in the  
11 proper use and maintenance of the  
12 CRT items.

13 “(iii) TRIAL EQUIPMENT.—The sup-  
14 plier of the CRT item provides the quali-  
15 fied individual with appropriate equipment  
16 for trial and simulation, if a physician, li-  
17 censed physical therapist, or licensed occu-  
18 pational therapist determines that the pro-  
19 vision of such equipment is necessary.

20 “(iv) INFORMATION ON REPAIR.—The  
21 supplier of the CRT item provides the  
22 qualified individual with written informa-  
23 tion on the service and repair of the CRT  
24 item provided to such individual.

1                   “(v) REPAIR.—The supplier of a CRT  
2                   item—

3                   “(I) makes available, in each  
4                   service area served by such supplier,  
5                   at least one qualified CRT service  
6                   technician to service and repair CRT  
7                   items that—

8                   “(aa) are furnished by such  
9                   supplier; and

10                   “(bb) at the time of the  
11                   need for repair, are located in a  
12                   service area of the supplier; or

13                   “(II) at the time of sale of the  
14                   CRT item, discloses to the qualified  
15                   individual that the supplier does not  
16                   provide repair service for such item  
17                   and provides contact information for  
18                   entities that do provide such repair  
19                   service.

20                   “(vi) RENTAL EQUIPMENT.—If pay-  
21                   ment is allowed under paragraph (6), the  
22                   supplier of the CRT item provides tem-  
23                   porary rental equipment to the qualified  
24                   individual when the supplier is repairing a

1 qualified individual's CRT item that was  
2 paid for under this subsection.

3 “(4) APPLICATION OF STANDARDS AND AC-  
4 CREDITATION PROGRAM FOR SUPPLIERS OF CRT  
5 ITEMS.—

6 “(A) IN GENERAL.—

7 “(i) REQUIREMENT FOR PROVIDER OR  
8 SUPPLIER NUMBER.—The Secretary shall  
9 not provide a supplier of CRT items with  
10 a provider or supplier number to submit  
11 claims for payment under this title unless  
12 the supplier is in compliance with the  
13 standards under paragraph (3).

14 “(ii) REQUIREMENT FOR PAYMENT.—  
15 Payment shall not be made under this part  
16 for CRT items furnished by a supplier un-  
17 less the supplier is in compliance with the  
18 standards under paragraph (3).

19 “(B) APPLICATION OF ACCREDITATION RE-  
20 QUIREMENT.—In implementing quality stand-  
21 ards under paragraph (3), the Secretary shall  
22 require suppliers furnishing CRT items, on or  
23 after one year after the standards are published  
24 under such paragraph, directly or as a subcon-  
25 tractor for another entity—

1 “(i) to comply with such standards;  
2 and

3 “(ii) to have submitted to the Sec-  
4 retary evidence of accreditation by an ac-  
5 creditation organization designated under  
6 subparagraph (C) demonstrating that the  
7 supplier is complying with such standards.

8 “(C) DESIGNATION OF INDEPENDENT AC-  
9 CREDITATION ORGANIZATIONS.—Not later than  
10 the date that is one year after the date on  
11 which the Secretary implements the quality  
12 standards under paragraph (3), the Secretary  
13 shall designate and approve one or more inde-  
14 pendent accreditation organizations that—

15 “(i) are approved under subsection  
16 (a)(20)(B); and

17 “(ii) the Secretary has determined  
18 have the capability to assess whether sup-  
19 pliers of CRT items meet the quality  
20 standards established under paragraph (3).

21 “(5) CODING SYSTEM FOR COMPLEX REHABILI-  
22 TATION TECHNOLOGIES.—

23 “(A) IN GENERAL.—The Secretary shall,  
24 in consultation with suppliers and manufactur-  
25 ers of CRT items, and utilizing existing coding

1 systems, establish a HCPCS coding subset that  
2 shall utilize and include HCPCS codes de-  
3 scribed in section 1861(iii)(2) for CRT items  
4 for which payment may made under this sub-  
5 section.

6 “(B) TREATMENT OF EXISTING PROD-  
7 UCTS.—

8 “(i) IN GENERAL.—With respect to  
9 CRT items for which payment was avail-  
10 able under this title before the effective  
11 date of the amendments made by Ensuring  
12 Access to Quality Complex Rehabilitation  
13 Technology Act of 2013, the Secretary  
14 shall assign such items to a code in the  
15 coding subset established under subpara-  
16 graph (A).

17 “(ii) UPDATES.—After the initial as-  
18 signment under clause (i), the Secretary  
19 may decide to reassign additional product  
20 categories, or items within those cat-  
21 egories, that exist before the date of the  
22 enactment of this subsection to the CRT  
23 coding subset.

24 “(iii) CONSULTATION.—Before mak-  
25 ing reassignments of CRT items under

1 clause (ii), the Secretary shall consult with  
2 suppliers and manufacturers of such items.  
3 The Secretary shall not require manufac-  
4 turers of CRT items for which payment  
5 was available under this title before the ef-  
6 fective date of the amendments made by  
7 the Ensuring Access to Quality Complex  
8 Rehabilitation Technology Act of 2013 to  
9 submit requests for reassignment of the  
10 code for such product to the coding subset  
11 under subparagraph (A) as long as—

12 “(I) no changes have been made  
13 to the code definitions, required code  
14 characteristics or test requirements;  
15 and

16 “(II) the item was previously  
17 verified to meet the code require-  
18 ments.

19 “(C) REMOVING COMPLEX REHABILITA-  
20 TION TECHNOLOGY FROM DME CODES.—The  
21 Secretary shall, in consultation with suppliers  
22 and manufacturers of CRT items—

23 “(i) remove from the coding subset for  
24 durable medical equipment any CRT items

1 that are included in the coding subset  
2 under subparagraph (A); and

3 “(ii) assign new codes to such CRT  
4 items for purposes of including such items  
5 in the subset under subparagraph (A).

6 “(D) NEW TECHNOLOGY.—

7 “(i) IN GENERAL.—The Secretary  
8 shall update as needed the HCPCS level II  
9 process used to modify the code set to in-  
10 clude CRT items for the purposes of estab-  
11 lishing new codes and determining prod-  
12 ucts to be classified as CRT items. In de-  
13 termining if a product is a CRT item, the  
14 Secretary shall consider—

15 “(I) if the product is novel;

16 “(II) the clinical application of  
17 the product; and

18 “(III) the ability of the product  
19 to address the unique needs and ca-  
20 pacities of a qualified individual.

21 “(ii) INCLUSION OF CODES IN LIST.—

22 The Secretary shall include the codes es-  
23 tablished in clause (i) in the list under sec-  
24 tion 1861(iii)(2)(F).

1           “(E) MISCELLANEOUS CODE FOR INNOVA-  
2           TION AND LOCAL COVERAGE DETERMINA-  
3           TIONS.—The coding subset established under  
4           subparagraph (A) shall include at least one mis-  
5           cellaneous code for items not otherwise classi-  
6           fied.

7           “(6) REPLACEMENT OF CRT ITEMS.—

8           “(A) IN GENERAL.—Payment shall be  
9           made for the replacement of a CRT item (or for  
10          the replacement of any part of such item) with-  
11          out regard to continuous use or useful lifetime  
12          restrictions established under section  
13          1834(a)(7)(C) for items of durable medical  
14          equipment if a qualified ordering practitioner  
15          determines that the provision of a replacement  
16          item (or a replacement part of such an item) is  
17          necessary because—

18                   “(i) there was a change in the physio-  
19                   logical condition of the qualified individual  
20                   to whom such item was provided;

21                   “(ii) there was an irreparable change  
22                   in the condition of the CRT item (or, in  
23                   the case of the replacement of a part, in  
24                   the part of the CRT item); or



1           “(iii) the CRT item requires repairs  
2           and the cost of such repairs would be more  
3           than 50 percent of the cost of a replace-  
4           ment of the CRT item.

5           “(B) DEFERRAL TO PROVIDERS.—

6           “(i) IN GENERAL.—Subject to clause  
7           (ii), if a qualified ordering practitioner de-  
8           termines that a replacement of the CRT  
9           item, or the replacement of a part of a  
10          CRT item, is necessary pursuant to sub-  
11          paragraph (A), the replacement item or  
12          part is deemed to be reasonable and nec-  
13          essary for purposes of section  
14          1862(a)(1)(A).

15          “(ii) EXCEPTION FOR ITEMS UNDER 3  
16          YEARS OLD.—If the CRT item that is  
17          being replaced (or the part of the CRT  
18          item that is being replaced) under subpara-  
19          graph (A) is less than 3 years old (cal-  
20          culated from the date on which the quali-  
21          fied individual began to use the CRT item  
22          or part), the Secretary may require the  
23          qualified ordering practitioner to provide  
24          confirmation of necessity of the replace-

1           ment item or replacement part, as the case  
2           may be.

3           “(7) PAYMENT FOR TEMPORARY RENTAL.—

4           “(A) IN GENERAL.—If a CRT item owned  
5           by a qualified individual needs to be repaired,  
6           payment may be made under this subsection for  
7           the temporary rental of a CRT item while the  
8           CRT item owned by such individual is being re-  
9           paired.

10          “(B) BASIS; LIMITATION.—Payment per-  
11          mitted under subparagraph (A) shall be made  
12          on a monthly basis, and the period of rental  
13          may not exceed two months.

14          “(C) PAYMENT AMOUNT.—The amount of  
15          payment allowed under subparagraph (A) for a  
16          month for the rental of a CRT item shall be 10  
17          percent of the purchase price for the CRT item.

18          “(8) DEFINITIONS.—For purposes of this sub-  
19          section:

20          “(A) HCPCS.—The term ‘HCPCS’ refers  
21          to the Health Care Procedure Coding System.

22          “(B) QUALIFIED CRT PROFESSIONAL.—

23                  “(i) IN GENERAL.—The term ‘quali-  
24                  fied CRT professional’ means an individual  
25                  who—

1           “(I) is certified by the Rehabili-  
2           tation Engineering and Assistive  
3           Technology Society of North America  
4           as an assistive technology professional  
5           or is certified by another organization  
6           designated by the Secretary (acting in  
7           consultation with relevant parties) as  
8           providing a certification that is equiv-  
9           alent to, or more stringent than, the  
10          assistive technology professional cer-  
11          tification; and

12           “(II) beginning two years after  
13          the establishment of the designation  
14          under clause (ii), achieves an addi-  
15          tional designation that demonstrates  
16          the individual’s competencies and ex-  
17          perience in supplying CRT items.

18           “(ii) ESTABLISHMENT.—Not later  
19          than one year after the date of the enact-  
20          ment of this subsection, the Secretary, act-  
21          ing in consultation with relevant parties,  
22          shall establish the additional designation  
23          under clause (i)(II).

24           “(iii) RELEVANT PARTIES.—For pur-  
25          poses of this subparagraph, the term ‘rel-

1           evant parties’ includes clinicians, consumer  
2           groups, CRT suppliers, and CRT manufac-  
3           turers.

4           “(C) QUALIFIED CRT SERVICE TECHNI-  
5           CIAN.—The term ‘qualified CRT service techni-  
6           cian’ means an individual who—

7                   “(i) is factory-trained by the manufac-  
8                   turers of the CRT items being offered by  
9                   the supplier of such items;

10                   “(ii) is trained and educated (includ-  
11                   ing through on the job training) to assem-  
12                   ble, fit, program, service, and repair CRT  
13                   items; and

14                   “(iii) on an annual basis, completes at  
15                   least 10 hours of continuing education spe-  
16                   cific to the assembly, fitting, programming,  
17                   service, and repair of CRT items.

18           “(D) QUALIFIED INDIVIDUAL.—The term  
19           ‘qualified individual’ has the meaning given  
20           such term in section 1861(iii)(3)(E).

21           “(E) QUALIFIED ORDERING PRACTI-  
22           TIONER.—The term ‘qualified ordering practi-  
23           tioner’ means a physician (as defined in section  
24           1861(r)), a physician assistant, nurse practi-

1           tioner, or a clinical nurse specialist (as those  
2           terms are defined in section 1861(aa)(5)).”.

3 **SEC. 4. CONFORMING AMENDMENTS.**

4           (a) **EXCLUSION FROM THE IN-HOME USE LIMITA-**  
5 **TION FOR DME.**—Section 1861(n) of the Social Security  
6 Act (42 U.S.C. 1395x(n)) is amended by adding at the  
7 end the following: “For 2014 and subsequent years, such  
8 term does not include complex rehabilitation technologies  
9 (as defined in subsection (iii)).”.

10          (b) **EXEMPTION FROM COMPETITIVE ACQUISI-**  
11 **TION.**—Section 1847(a)(7) of the Social Security Act (42  
12 U.S.C. 1395w–3(a)(7)) is amended by adding at the end  
13 the following new subparagraph:

14                   “(C) **CRT ITEMS.**—For 2014 and subse-  
15                   quent years, complex rehabilitation technology  
16                   items (as defined in section 1861(iii)).”.

17          (c) **EXEMPTION FROM SNF CONSOLIDATED BILL-**  
18 **ING.**—Section 1888(e)(2)(A)(iii) of the Social Security Act  
19 (42 U.S.C. 1395yy(e)(2)(A)(iii)) is amended by adding at  
20 the end the following:

21                           “(VI) Complex rehabilitation  
22                           technology items (as defined in section  
23                           1861(iii)) if delivered to an inpatient  
24                           for use during the stay in the skilled  
25                           nursing facility as part of the plan of

1 care to allow the transition of such  
2 qualified individuals from the skilled  
3 nursing facility setting to the home  
4 and community.”.

5 (d) PAYMENT EXCLUSIONS.—Section 1834(a) of the  
6 Social Security Act (42 U.S.C. 1395m(a)) is amended—

7 (1) in paragraph (4), by adding at the end the  
8 following sentence “For 2014 and subsequent years,  
9 the items covered by this paragraph shall not include  
10 complex rehabilitation technology items (as defined  
11 in section 1861(iii)).”;

12 (2) in paragraph (7)(A), by adding at the end  
13 the following: “For fiscal year 2014 and subsequent  
14 years, the previous sentence shall not apply to  
15 power-driven wheelchairs that are designated as  
16 CRT items under section 1861(iii).”; and

17 (3) in paragraph (16), by inserting at the end  
18 the following: “The Secretary shall impose (and,  
19 may, as allowed by the second sentence of this para-  
20 graph, waive) the requirements of the first sentence  
21 of this paragraph to suppliers of complex rehabilita-  
22 tion technology items, except that, in order to avoid  
23 duplicate bonds, the Secretary shall not impose such  
24 requirements with respect to suppliers of complex re-  
25 habilitation technology items if such suppliers also

1 participate in the Medicare program as suppliers of  
2 durable medical equipment.”.

3 (e) REQUIREMENTS FOR SUPPLIERS OF MEDICAL  
4 EQUIPMENT AND SUPPLIES.—Section 1834(j)(5) of the  
5 Social Security Act (42 U.S.C. 1395m(j)(5)) is amend-  
6 ed—

7 (1) by redesignating subparagraphs (E) and  
8 (F) as subparagraphs (F) and (G), respectively; and

9 (2) by inserting after subparagraph (D) the fol-  
10 lowing new subparagraph:

11 “(E) complex rehabilitation technology  
12 items (as defined in section 1861(iii));”.

13 **SEC. 5. EFFECTIVE DATE.**

14 The amendments made by this Act shall apply to  
15 items and services furnished on or after January 1, 2014.

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