AN ACT Relating to complex rehabilitation technology products; adding a new section to chapter 74.09 RCW; and creating a new section.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Sec. 1. The legislature intends to:
(1) Protect access for complex needs patients to important technology and supporting services;
(2) Establish and improve safeguards relating to the delivery and provision of medically necessary complex rehabilitation technology; and
(3) Provide supports for complex needs patients to stay in the home or community setting, prevent institutionalization, and prevent hospitalizations and other costly secondary complications.

NEW SECTION. Sec. 2. A new section is added to chapter 74.09 RCW to read as follows:
(1) The authority shall establish a separate recognition for medically necessary, individually configured, complex rehabilitation technology products and services for complex needs patients with the medical assistance program. The authority shall direct managed care plans to adopt the regulations and policies established for complex
rehabilitation technology products. This separate recognition must take into consideration the customized nature of complex rehabilitation technology and the broad range of services necessary to meet the unique medical and functional needs of people with complex medical needs by:

(a) Designating appropriate current billing codes as complex rehabilitation technology and, as needed, creating new billing codes for services and products covered for complex needs patients;
(b) Establishing standards for qualified complex rehabilitation technology suppliers and restrict the authority's purchasing of complex rehabilitation technology to only those companies or entities that meet such standards;
(c) Designating additional diagnoses or medical conditions that qualify an individual as a complex needs patient;
(d) Making other changes as needed to protect access to complex rehabilitation technology for people with complex medical needs.

(2) The authority shall require complex needs patients receiving complex rehabilitation technology to be evaluated by:

(a) A licensed health care provider who performs specialty evaluations within his or her scope of practice, including a physical therapist licensed under chapter 18.74 RCW and an occupational therapist licensed under chapter 18.59 RCW, and has no financial relationship with the qualified complex rehabilitation technology supplier; and
(b) A qualified complex rehabilitation technology professional, as identified in subsection (3)(d)(iii) of this section.

(3) As used in this section:
(a) "Complex needs patient" means an individual with a diagnosis or medical condition that results in significant physical or functional needs and capacities. The term includes individuals with progressive or degenerative neuromuscular diseases or injuries or trauma which have resulted in significant physical or functional needs and limited capacities, including individuals with spinal cord injury, traumatic brain injury, cerebral palsy, muscular dystrophy, spina bifida, osteogenesis imperfect, arthrogryposis, amyotrophic lateral sclerosis, multiple sclerosis, demyelinating disease, myelopathy, myopathy, progressive muscular atrophy, anterior horn cell disease, post-polio syndrome, cerebellar degeneration, dystonia, Huntington's disease,
spinocerebellar disease, and certain types of amputation, paralysis, or
paresis that result in significant physical or functional needs and
limited capacities.

(b)(i) "Complex rehabilitation technology" means items classified
as durable medical equipment within the medicare program as of January
1, 2013, that:

(A) Are individually configured for individuals to meet their
specific and unique medical, physical, and functional needs and
capacities for basic activities of daily living and instrumental
activities of daily living identified as medically necessary to prevent
hospitalization or institutionalization of a complex needs patient;

(B) Are primarily used to serve a medical purpose and generally not
useful to a person in the absence of an illness or injury; and

(C) Require certain services to allow for appropriate design,
configuration, and use of such item, including patient evaluation and
equipment fitting and configuration.

(ii) "Complex rehabilitation technology" includes highly
configurable manual wheelchairs, complex rehabilitation power
wheelchairs, adaptive seating and positioning systems, and other
specialized equipment such as standing frames and gait trainers.

(c) "Individually configured" means a device has a combination of
features, adjustments, or modifications specific to a complex needs
patient that a qualified complex rehabilitation technology supplier
provides by measuring, fitting, programming, adjusting, or adapting the
device as appropriate so that the device is consistent with an
assessment or evaluation of the complex needs patient by a health care
professional and consistent with the complex needs patient's medical
condition, physical and functional needs and capacities, body size,
period of need, and intended use.

(d) "Qualified complex rehabilitation technology supplier" means a
company or entity that:

(i) Is accredited by a recognized accrediting organization as a
supplier of complex rehabilitation technology;

(ii) Meets the supplier and quality standards established for
durable medical equipment suppliers under the medicare program;

(iii) For each site that it operates, employs at least one complex
rehabilitation technology professional, who has been certified by the
rehabilitation engineering and assistive technology society of North
America as an assistive technology professional, to analyze the needs and capacities of complex needs patients, assist in selecting appropriate covered complex rehabilitation technology items for such needs and capacities, and provide training in the use of the selected covered complex rehabilitation technology items;

(iv) Has the complex rehabilitation technology professional physically present for the evaluation and determination of the appropriate individually configured complex rehabilitation technologies for the complex needs patient;

(v) Provides service and repairs by qualified technicians for all complex rehabilitation technology products it sells; and

(vi) Provides written information to the complex needs patient at the time of delivery about how the individual may receive service and repair.