

# STATE OF NEW YORK

4557--B

2017-2018 Regular Sessions

## IN SENATE

February 17, 2017

Introduced by Sens. ORTT, LARKIN -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the social services law, in relation to Medicaid reimbursement for complex rehabilitation technology for patients with complex medical needs

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The social services law is amended by adding a new section  
2 367-j to read as follows:

3 § 367-j. Complex rehabilitation technology; reimbursement. 1. Defi-  
4 nitions. As used in this section:

5 (a) "Complex needs patient" means a medical assistance enrollee with  
6 significant physical or functional impairment resulting from a medical  
7 condition or disease including, but not limited to: spinal cord injury,  
8 traumatic brain injury, cerebral palsy, muscular dystrophy, spina bifi-  
9 da, osteogenesis imperfecta, arthrogyryposis, amyotrophic lateral sclero-  
10 sis, multiple sclerosis, demyelinating disease, myelopathy, myopathy,  
11 progressive muscular atrophy, anterior horn cell disease, post-polio  
12 syndrome, cerebellar degeneration, dystonia, huntington's disease,  
13 spinocerebellar disease, and certain types of amputation, paralysis or  
14 paresis.

15 (b) "Complex rehabilitation technology" means products classified as  
16 durable medical equipment within the medicare program that are individ-  
17 ually configured for individuals to meet their specific and unique  
18 medical, physical and functional needs and capacities for basic and  
19 functional activities of daily living. Such products include, but are

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

LBD04523-06-7

1 not limited to: individually configured manual and power wheelchairs  
2 and accessories, adaptive seating and positioning items and accessories,  
3 and other specialized equipment such as standing frames and gait train-  
4 ers and accessories.

5 (c) "Individually configured" means a device with a combination of  
6 sizes, features, adjustments or modifications that are configured or  
7 designed by a qualified complex rehabilitation technology supplier for a  
8 specific individual by measuring, fitting, programming, adjusting or  
9 adapting the device so that the device is consistent with the individ-  
10 ual's medical condition, physical and functional needs and capabilities,  
11 body size, period of need and intended use as determined by an assess-  
12 ment or evaluation by a qualified health care professional.

13 (d) "Qualified complex rehabilitation technology professional" means  
14 an individual who is certified as an assistive technology professional  
15 by a nationally-recognized rehabilitation engineering and assistive  
16 technology society.

17 (e) "Qualified complex rehabilitation technology supplier" means a  
18 company or entity that:

19 (i) is accredited by a nationally-recognized accrediting organization;  
20 (ii) is an enrolled supplier for durable medical equipment under the  
21 federal medicare program and the medical assistance program under this  
22 title;

23 (iii) has at least one qualified complex rehabilitation technology  
24 professional available to analyze the needs and capacities of complex  
25 needs patients in consultation with a qualified health care professional  
26 and participate in the selection of appropriate complex rehabilitation  
27 technology and provide training in the proper use of the complex reha-  
28 ilitation technology;

29 (iv) requires a qualified complex rehabilitation technology profes-  
30 sional be physically present for the evaluation and determination of  
31 appropriate complex rehabilitation technology for complex needs  
32 patients;

33 (v) has the capability to provide service and repair by qualified  
34 technicians for all complex rehabilitation technology it sells;

35 (vi) has at least one retail vending location within New York state;  
36 and

37 (vii) provides written information regarding how to receive service  
38 and repair of complex rehabilitation technology to the complex needs  
39 patient prior to the ordering of such technology.

40 (f) "Qualified health care professional" means a health care profes-  
41 sional licensed or otherwise authorized to practice under title eight of  
42 the education law, acting within his or her scope of practice.

43 2. Reimbursement and billing procedures. (a) The commissioner shall  
44 maintain specific reimbursement and billing procedures under this title  
45 for complex rehabilitation technology products to ensure that Medicaid  
46 payments for such products permit adequate access to such products and  
47 services for complex needs patients and take into account the signif-  
48 icant resources, infrastructure, and staff needed.

49 (b) The commissioner shall monitor the addition of new billing codes  
50 for complex rehabilitation technology by the medicare program and shall  
51 expeditiously incorporate such codes under this subdivision.

52 (c) Where reimbursement rates for complex rehabilitation technology  
53 products provided under section forty-four hundred three-f of the public  
54 health law or section three hundred sixty-four-j of this title are  
55 determined by a managed care organization, they shall be determined  
56 consistent with this subdivision. The commissioner may establish minimum

1 benchmark reimbursement rates to be paid by managed care organizations  
2 under this paragraph.

3 § 2. This act shall take effect on the first of April next succeeding  
4 the date on which it shall have become a law.