

STATE OF NEW YORK

3132

2021-2022 Regular Sessions

IN ASSEMBLY

January 22, 2021

Introduced by M. of A. STECK -- Multi-Sponsored by -- M. of A. BUTTENS-
CHON, COLTON, CRUZ, DICKENS, ENGLEBRIGHT, EPSTEIN, GOTTFRIED, M. MILL-
ER, NIOU, REYES, L. ROSENTHAL, SALKA, SANTABARBARA, SAYEGH, SEAWRIGHT,
SIMON, WEPRIN, WILLIAMS -- read once and referred to the Committee on
Health

AN ACT to amend the social services law, in relation to coverage and
billing procedures in the Medicaid program for complex rehabilitation
technology for patients with complex medical needs

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

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

§ 367-j. Complex rehabilitation technology; coverage and safeguards.
1. Definitions. As used in this section:

(a) "Complex needs patient" means a medical assistance enrollee with
significant physical or functional impairment resulting from a medical
condition or disease including, but not limited to: spinal cord injury,
traumatic brain injury, cerebral palsy, muscular dystrophy, spina bifi-
da, osteogenesis imperfecta, arthrogryposis, amyotrophic lateral sclero-
sis, 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.

(b) "Complex rehabilitation technology" means products classified as
durable medical equipment within the medicare program that are individ-
ually configured for individuals to meet their specific and unique
medical, physical and functional needs and capacities for basic and
functional activities of daily living. Such products include, but are
not limited to: individually configured manual and power wheelchairs
and accessories, adaptive seating and positioning items and accessories,

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

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1 and other specialized equipment such as standing frames and gait train-
2 ers and accessories.

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

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

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

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

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

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

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

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

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

38 (f) "Qualified health care professional" means a health care profes-
39 sional licensed or otherwise authorized to practice under title eight of
40 the education law, acting within his or her scope of practice who has no
41 financial relationship with the complex rehabilitation technology
42 supplier.

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.