

# STATE OF NEW YORK

1832

2021-2022 Regular Sessions

## IN SENATE

January 16, 2021

Introduced by Sen. SKOUFIS -- read twice and ordered printed, and when printed to be committed 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 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; coverage and safeguards.

4 1. Definitions. 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, arthrogryposis, 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  
20 not limited to: individually configured manual and power wheelchairs  
21 and accessories, adaptive seating and positioning items and accessories,  
22 and other specialized equipment such as standing frames and gait train-  
23 ers and accessories.

24 (c) "Individually configured" means a device with a combination of  
25 sizes, features, adjustments or modifications that are configured or  
26 designed by a qualified complex rehabilitation technology supplier for a  
27 specific individual by measuring, fitting, programming, adjusting or

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

LBD04256-01-1

1 adapting the device so that the device is consistent with the individ-  
2 ual's medical condition, physical and functional needs and capabilities,  
3 body size, period of need and intended use as determined by an assess-  
4 ment or evaluation by a qualified health care professional.

5 (d) "Qualified complex rehabilitation technology professional" means  
6 an individual who is certified as an assistive technology professional  
7 by a nationally-recognized rehabilitation engineering and assistive  
8 technology society.

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

11 (i) is accredited by a nationally-recognized accrediting organization;

12 (ii) is an enrolled supplier for durable medical equipment under the  
13 federal medicare program and the medical assistance program under this  
14 title;

15 (iii) has at least one qualified complex rehabilitation technology  
16 professional available to analyze the needs and capacities of complex  
17 needs patients in consultation with a qualified health care professional  
18 and participate in the selection of appropriate complex rehabilitation  
19 technology and provide training in the proper use of the complex reha-  
20 bilitation technology;

21 (iv) requires a qualified complex rehabilitation technology profes-  
22 sional be physically present for the evaluation and determination of  
23 appropriate complex rehabilitation technology for complex needs  
24 patients;

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

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

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

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

37 2. Reimbursement and billing procedures. (a) The commissioner shall  
38 maintain specific reimbursement and billing procedures under this title  
39 for complex rehabilitation technology products to ensure that Medicaid  
40 payments for such products permit adequate access to such products and  
41 services for complex needs patients and take into account the signif-  
42 icant resources, infrastructure, and staff needed.

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

46 (c) Where reimbursement rates for complex rehabilitation technology  
47 products provided under section forty-four hundred three-f of the public  
48 health law or section three hundred sixty-four-j of this title are  
49 determined by a managed care organization, they shall be determined  
50 consistent with this subdivision. The commissioner may establish minimum  
51 benchmark reimbursement rates to be paid by managed care organizations  
52 under this paragraph.

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