

State of Wisconsin



2017 Senate Bill 381

Date of enactment: April 16, 2018
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2017 WISCONSIN ACT 306

AN ACT *to create* 49.45 (9r) and 49.46 (2) (b) 6. dm. of the statutes; **relating to:** complex rehabilitation technology for complex needs patients in the Medical Assistance program and requiring the exercise of rule-making authority.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 49.45 (9r) of the statutes is created to read:

49.45 (9r) COMPLEX REHABILITATION TECHNOLOGY.

(a) In this subsection:

1. "Complex needs patient" means an individual with a diagnosis or medical condition that results in significant physical impairment or functional limitation.

2. "Complex rehabilitation technology" means items classified within Medicare as durable medical equipment that 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. "Complex rehabilitation technology" includes complex rehabilitation manual and power wheelchairs, adaptive seating and positioning items, and other specialized equipment such as standing frames and gait trainers, as well as options and accessories related to any of these items.

3. "Individually configured" means having a combination of sizes, features, adjustments, or modifications that a qualified complex rehabilitation technology supplier can customize to the specific individual by measuring, fitting, programming, adjusting, or adapting as appropriate so that the device operates in accordance

with an assessment or evaluation of the individual by a qualified health care professional and is consistent with the individual's medical condition, physical and functional needs and capacities, body size, period of need, and intended use.

4. "Medicare" means coverage under Part A or Part B of Title XVIII of the federal social security act, [42 USC 1395](#) et seq.

5. "Qualified complex rehabilitation technology professional" means an individual who is certified as an assistive technology professional by the Rehabilitation Engineering and Assistive Technology Society of North America.

6. "Qualified complex rehabilitation technology supplier" means a company or entity that meets all of the following criteria:

a. Is accredited by a recognized accrediting organization as a supplier of complex rehabilitation technology.

b. Is an employer of at least one qualified complex rehabilitation technology professional to analyze the needs and capacities of the complex needs patient in consultation with qualified health care professionals, to participate in the selection of appropriate complex rehabilitation technology for those needs and capacities of the complex needs patient, and to provide training in the proper use of the complex rehabilitation technology.

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

c. Requires a qualified complex rehabilitation technology professional to be physically present for the evaluation and determination of appropriate complex rehabilitation technology for a complex needs patient.

d. Has the capability to provide service and repair by qualified technicians for all complex rehabilitation technology it sells.

e. Provides written information at the time of delivery of the complex rehabilitation technology to the complex needs patient stating how the complex needs patient may receive service and repair for the complex rehabilitation technology.

7. "Qualified health care professional" means any of the following:

a. A physician or physician assistant licensed under subch. II of ch. 448.

b. A physical therapist licensed under subch. III of ch. 448.

c. An occupational therapist licensed under subch. VII of ch. 448.

d. A chiropractor licensed under ch. 446.

(b) The department shall promulgate rules and other policies for use of complex rehabilitation technology by recipients of Medical Assistance. The department shall include in the rules all of the following:

1. Designation of billing codes as complex rehabilitation technology including creation of new billing codes or modification of existing billing codes. The department shall include provisions allowing quarterly updates to the designations under this subdivision.

2. Establishment of specific supplier standards for companies or entities that provide complex rehabilitation technology and limiting reimbursement only to suppliers that are qualified complex rehabilitation technology suppliers.

3. A requirement that Medical Assistance recipients who need a complex rehabilitation manual wheelchair, complex rehabilitation power wheelchair, or other complex rehabilitation seating component to be evaluated by all of the following:

a. A qualified health care professional who does not have a financial relationship with a qualified complex rehabilitation technology supplier.

b. A qualified complex rehabilitation technology professional.

4. Establishment and maintenance of payment rates for complex rehabilitation technology that are adequate to ensure complex needs patients have access to complex rehabilitation technology, taking into account the significant resources, infrastructure, and staff needed to appropriately provide complex rehabilitation technology to meet the unique needs of complex needs patients.

5. A requirement for contracts with the department that managed care plans providing services to Medical Assistance recipients comply with this subsection and the rules promulgated under this subsection.

6. Protection of access to complex rehabilitation technology for complex needs patients.

(c) This subsection is not intended to affect coverage of speech generating devices, including healthcare common procedure coding system codes E2500, E2502, E2504, E2506, E2508, E2510, E2511, E2512, and E2599, under the Medical Assistance program.

SECTION 2. 49.46 (2) (b) 6. dm. of the statutes is created to read:

49.46 (2) (b) 6. dm. Subject to the requirements under s. 49.45 (9r), durable medical equipment that is considered complex rehabilitation technology, excluding speech generating devices.

SECTION 3. Nonstatutory provisions.

(1) (a) The department of health services shall submit in proposed form the rules required under section 49.45 (9r) of the statutes, including the rules described under paragraph (b), to the legislative council staff under section 227.15 (1) of the statutes no later than the first day of the 13th month beginning after the effective date of this paragraph.

(b) The department of health services shall include in the proposed rules submitted under paragraph (a) rules that designate the healthcare common procedure coding system codes that are used in the federal Medicare program for complex rehabilitation technology for the Medical Assistance program and are in accordance with section 49.45 (9r) of the statutes.

(c) The department shall in the proposed rules exempt the codes designated from any bidding or selective contracting requirements.