

HB1211\_L.003

## HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Public Health Care & Human Services.HB14-1211 be amended as follows:

1 Amend printed bill, strike everything below the enacting clause and  
2 substitute:

3 "SECTION 1. In Colorado Revised Statutes, add 25.5-5-323 as  
4 follows:

5 **25.5-5-323. Complex rehabilitation technology - legislative**  
6 **declaration - definitions.** (1) THE GENERAL ASSEMBLY FINDS AND  
7 DECLARES IT IS IN THE BEST INTERESTS OF THE PEOPLE OF THE STATE OF  
8 COLORADO TO:

9 (a) CONTINUE TO PROTECT ACCESS TO IMPORTANT TECHNOLOGY  
10 AND SUPPORTING SERVICES FOR ELIGIBLE CLIENTS;

11 (b) ESTABLISH AND IMPROVE CURRENT SAFEGUARDS RELATING TO  
12 THE DELIVERY, PROVISION, AND REPAIR OF MEDICALLY NECESSARY  
13 COMPLEX REHABILITATION TECHNOLOGY;

14 (c) CONTINUE TO PROVIDE SUPPORTS FOR CLIENTS ACCESSING  
15 COMPLEX REHABILITATION TECHNOLOGY TO STAY IN THE HOME OR  
16 COMMUNITY SETTING, ENGAGE IN BASIC ACTIVITIES OF DAILY LIVING AND  
17 INSTRUMENTAL ACTIVITIES OF DAILY LIVING, INCLUDING EMPLOYMENT,  
18 PREVENT INSTITUTIONALIZATION, AND PREVENT HOSPITALIZATION AND  
19 OTHER COSTLY SECONDARY COMPLICATIONS; AND

20 (d) CONTINUE ADEQUATE PRICING FOR COMPLEX REHABILITATION  
21 TECHNOLOGY FOR THE PURPOSE OF ALLOWING CONTINUED ACCESS TO  
22 APPROPRIATE PRODUCTS AND RELATED SERVICES INCLUDING  
23 MAINTENANCE AND REPAIR.

24 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
25 REQUIRES:

26 (a) "COMPLEX REHABILITATION TECHNOLOGY" MEANS  
27 INDIVIDUALLY CONFIGURED MANUAL WHEELCHAIR SYSTEMS, POWER  
28 WHEELCHAIR SYSTEMS, ADAPTIVE SEATING SYSTEMS, ALTERNATIVE  
29 POSITIONING SYSTEMS, STANDING FRAMES, GAIT TRAINERS, AND  
30 SPECIFICALLY DESIGNATED OPTIONS AND ACCESSORIES CLASSIFIED AS  
31 DURABLE MEDICAL EQUIPMENT THAT:

32 (I) ARE INDIVIDUALLY CONFIGURED FOR INDIVIDUALS TO MEET  
33 THEIR SPECIFIC AND UNIQUE MEDICAL, PHYSICAL, AND FUNCTIONAL NEEDS  
34 AND CAPACITIES FOR BASIC ACTIVITIES OF DAILY LIVING AND  
35 INSTRUMENTAL ACTIVITIES OF DAILY LIVING, INCLUDING EMPLOYMENT,  
36 IDENTIFIED AS MEDICALLY NECESSARY TO PROMOTE MOBILITY IN THE  
37 HOME AND COMMUNITY OR PREVENT HOSPITALIZATION OR



1 INSTITUTIONALIZATION OF THE CLIENT;

2 (II) ARE PRIMARILY USED TO SERVE A MEDICAL PURPOSE AND  
3 GENERALLY NOT USEFUL TO A PERSON IN THE ABSENCE OF ILLNESS OR  
4 INJURY; AND

5 (III) REQUIRE CERTAIN SERVICES PROVIDED BY A QUALIFIED  
6 COMPLEX REHABILITATION TECHNOLOGY PROVIDER TO ENSURE  
7 APPROPRIATE DESIGN, CONFIGURATION, AND USE OF SUCH ITEMS,  
8 INCLUDING PATIENT EVALUATION OR ASSESSMENT OF THE CLIENT BY A  
9 HEALTH CARE PROFESSIONAL, AND THAT ARE CONSISTENT WITH THE  
10 CLIENT'S MEDICAL CONDITION, PHYSICAL AND FUNCTIONAL NEEDS AND  
11 CAPACITIES, BODY SIZE, PERIOD OF NEED, AND INTENDED USE.

12 (b) "INDIVIDUALLY CONFIGURED" MEANS THAT A DEVICE HAS  
13 FEATURES, ADJUSTMENTS, OR MODIFICATIONS SPECIFIC TO A CLIENT THAT  
14 A QUALIFIED COMPLEX REHABILITATION TECHNOLOGY SUPPLIER PROVIDES  
15 BY MEASURING, FITTING, PROGRAMMING, ADJUSTING, ADAPTING, AND  
16 MAINTAINING THE DEVICE SO THAT THE DEVICE IS CONSISTENT WITH AN  
17 ASSESSMENT OR EVALUATION OF THE CLIENT BY A HEALTH CARE  
18 PROFESSIONAL AND CONSISTENT WITH THE CLIENT'S MEDICAL CONDITION,  
19 PHYSICAL AND FUNCTIONAL NEEDS AND CAPACITIES, BODY SIZE, PERIOD  
20 OF NEED, AND INTENDED USE.

21 (c) "QUALIFIED COMPLEX REHABILITATION TECHNOLOGY  
22 PROFESSIONAL" MEANS AN INDIVIDUAL WHO IS CERTIFIED BY THE  
23 REHABILITATION ENGINEERING AND ASSISTIVE TECHNOLOGY SOCIETY OF  
24 NORTH AMERICA OR OTHER NATIONALLY RECOGNIZED ACCREDITING  
25 ORGANIZATIONS AS AN ASSISTIVE TECHNOLOGY PROFESSIONAL.

26 (d) "QUALIFIED COMPLEX REHABILITATION TECHNOLOGY  
27 SUPPLIER" MEANS A COMPANY OR ENTITY THAT:

28 (I) IS ACCREDITED BY A RECOGNIZED ACCREDITING ORGANIZATION  
29 AS A SUPPLIER OF COMPLEX REHABILITATION TECHNOLOGY;

30 (II) MEETS THE SUPPLIER AND QUALITY STANDARDS ESTABLISHED  
31 FOR DURABLE MEDICAL EQUIPMENT SUPPLIERS UNDER THE MEDICARE OR  
32 MEDICAID PROGRAM;

33 (III) EMPLOYS AT LEAST ONE QUALIFIED COMPLEX  
34 REHABILITATION TECHNOLOGY PROFESSIONAL FOR EACH LOCATION TO:

35 (A) ANALYZE THE NEEDS AND CAPACITIES OF CLIENTS FOR A  
36 COMPLEX REHABILITATION TECHNOLOGY ITEM IN CONSULTATION WITH  
37 THE EVALUATING CLINICAL PROFESSIONALS;

38 (B) ASSIST IN SELECTING APPROPRIATE COMPLEX REHABILITATION  
39 TECHNOLOGY ITEMS FOR SUCH NEEDS AND CAPACITIES; AND

40 (C) PROVIDE THE CLIENT TECHNOLOGY-RELATED TRAINING IN THE  
41 PROPER USE AND MAINTENANCE OF THE SELECTED COMPLEX



1 REHABILITATION TECHNOLOGY ITEMS;

2 (IV) HAS THE QUALIFIED COMPLEX REHABILITATION TECHNOLOGY  
3 PROFESSIONAL DIRECTLY INVOLVED WITH THE ASSESSMENT, AND  
4 DETERMINATION OF THE APPROPRIATE INDIVIDUALLY CONFIGURED  
5 COMPLEX REHABILITATION TECHNOLOGY FOR THE CLIENT, WITH SUCH  
6 INVOLVEMENT TO INCLUDE SEEING THE CLIENT VISUALLY EITHER IN  
7 PERSON OR BY ANY OTHER REAL-TIME MEANS WITHIN A REASONABLE TIME  
8 FRAME DURING THE DETERMINATION PROCESS.

9 (V) MAINTAINS A REASONABLE SUPPLY OF PARTS, ADEQUATE  
10 PHYSICAL FACILITIES, AND QUALIFIED SERVICE OR REPAIR TECHNICIANS TO  
11 PROVIDE CLIENTS WITH PROMPT SERVICE AND REPAIR OF ALL COMPLEX  
12 REHABILITATION TECHNOLOGY IT SELLS OR SUPPLIES; AND

13 (VI) PROVIDES THE CLIENT WRITTEN INFORMATION AT THE TIME  
14 OF SALE AS TO HOW TO ACCESS SERVICE AND REPAIR.

15 (3) THE STATE DEPARTMENT SHALL PROVIDE A SEPARATE  
16 RECOGNITION WITHIN THE STATE'S MEDICAID PROGRAM ESTABLISHED  
17 UNDER ARTICLES 4, 5, AND 6 OF THIS TITLE FOR COMPLEX REHABILITATION  
18 TECHNOLOGY AND SHALL MAKE OTHER REQUIRED CHANGES TO PROTECT  
19 CLIENT ACCESS TO APPROPRIATE PRODUCTS AND SERVICES. SUCH  
20 SEPARATE RECOGNITION MUST TAKE INTO CONSIDERATION THE  
21 CUSTOMIZED NATURE OF COMPLEX REHABILITATION TECHNOLOGY AND  
22 THE BROAD RANGE OF RELATED SERVICES NECESSARY TO MEET THE  
23 UNIQUE MEDICAL AND FUNCTIONAL NEEDS OF CLIENTS AND INCLUDE THE  
24 FOLLOWING:

25 (a) THE STATE DEPARTMENT NOTIFYING THE QUALIFIED  
26 REHABILITATION TECHNOLOGY SUPPLIERS CONCERNING THE PARAMETERS  
27 OF THE COMPLEX REHABILITATION TECHNOLOGY BENEFIT, WHICH BENEFIT  
28 MUST INCLUDE THE USE OF QUALIFIED REHABILITATION TECHNOLOGY  
29 SUPPLIERS AS WELL AS BILLING PROCEDURES THAT SPECIFY THE TYPES OF  
30 EQUIPMENT IDENTIFIED AND INCLUDED IN THE COMPLEX REHABILITATION  
31 TECHNOLOGY BENEFIT. THE STATE DEPARTMENT SHALL CREATE COMPLEX  
32 REHABILITATION TECHNOLOGY BENEFIT PARAMETERS THAT ARE EASILY  
33 UNDERSTOOD BY AND ACCESSIBLE TO CLIENTS AND QUALIFIED  
34 REHABILITATION TECHNOLOGY SUPPLIERS. THE STATE DEPARTMENT SHALL  
35 PROVIDE PUBLIC NOTICE NO LATER THAN THIRTY DAYS PRIOR TO A  
36 COLLABORATIVE PROCESS THAT INCLUDES DISCUSSION OF ANY PROPOSED  
37 CHANGES TO THE TYPES OF EQUIPMENT IDENTIFIED AND INCLUDED IN THE  
38 COMPLEX REHABILITATION TECHNOLOGY BENEFIT.

39 (b) ADOPTING SPECIFIC SUPPLIER STANDARDS, AS DESCRIBED IN  
40 PARAGRAPH (d) OF SUBSECTION (2) OF THIS SECTION, FOR COMPANIES OR  
41 ENTITIES THAT PROVIDE COMPLEX REHABILITATION TECHNOLOGY AND



1 RESTRICTING THE PROVISION OF COMPLEX REHABILITATION TECHNOLOGY  
2 TO THOSE COMPANIES OR ENTITIES THAT ARE QUALIFIED COMPLEX  
3 REHABILITATION SUPPLIERS;

4 (c) ENSURING THAT CLIENTS RECEIVING COMPLEX REHABILITATION  
5 TECHNOLOGY ARE EVALUATED OR ASSESSED, AS NEEDED, BY:

6 (I) A QUALIFIED HEALTH CARE PROFESSIONAL, INCLUDING BUT NOT  
7 LIMITED TO A LICENSED PHYSICAL THERAPIST, A LICENSED OCCUPATIONAL  
8 THERAPIST, OR OTHER LICENSED HEALTH CARE PROFESSIONAL WHO HAS NO  
9 FINANCIAL RELATIONSHIP WITH THE QUALIFIED COMPLEX REHABILITATION  
10 TECHNOLOGY SUPPLIER AND PERFORMS SPECIALTY EVALUATIONS WITHIN  
11 HIS OR HER SCOPE OF PRACTICE; AND

12 (II) A QUALIFIED COMPLEX REHABILITATION TECHNOLOGY  
13 PROFESSIONAL EMPLOYED BY THE QUALIFIED COMPLEX REHABILITATION  
14 TECHNOLOGY SUPPLIER. THE ASSESSMENT AND DETERMINATION  
15 PERFORMED BY THE QUALIFIED COMPLEX REHABILITATION TECHNOLOGY  
16 PROFESSIONAL EMPLOYED BY THE QUALIFIED COMPLEX REHABILITATION  
17 SUPPLIER SHALL CONTINUE TO BE INCLUDED IN THE REIMBURSEMENT FOR  
18 THE PURCHASED OR RENTED COMPLEX REHABILITATION TECHNOLOGY;

19 (d) CONTINUING PRICING POLICIES FOR COMPLEX REHABILITATION  
20 TECHNOLOGY, UNLESS SPECIFICALLY PROHIBITED BY THE CENTERS FOR  
21 MEDICARE AND MEDICAID SERVICES, INCLUDING THE FOLLOWING:

22 (I) CONTINUING TO ENSURE THAT THE REIMBURSEMENT AMOUNTS  
23 FOR COMPLEX REHABILITATION TECHNOLOGY, REPAIRS, AND SUPPORTING  
24 CLINICAL COMPLEX REHABILITATION TECHNOLOGY SERVICES ARE  
25 ADEQUATE TO ENSURE THAT QUALIFIED CLIENTS HAVE ACCESS TO THE  
26 ITEMS, TAKING INTO ACCOUNT THE UNIQUE NEEDS OF THE CLIENTS AND  
27 THE COMPLEXITY AND CUSTOMIZATION OF COMPLEX REHABILITATION  
28 TECHNOLOGY. THIS INCLUDES DEVELOPING PRICING POLICIES THAT  
29 ENSURE ACCESS TO ADEQUATE AND TIMELY REPAIRS.

30 (II) EXEMPTING COMPLEX REHABILITATION TECHNOLOGY FROM  
31 INCLUSION IN COMPETITIVE BIDDING PROGRAMS OR SIMILAR PROCESSES;  
32 AND

33 (III) PRESERVING THE OPTION FOR COMPLEX REHABILITATION  
34 TECHNOLOGY TO BE BILLED AND PAID FOR AS A PURCHASE ALLOWING FOR  
35 LUMP SUM PAYMENTS FOR DEVICES WITH A LENGTH OF NEED OF ONE YEAR  
36 OR GREATER, EXCLUDING APPROVED CROSSOVER CLAIMS FOR CLIENTS  
37 ENROLLED IN MEDICARE AND MEDICAID; AND

38 (e) MAKING OTHER CHANGES AS NEEDED TO PROTECT ACCESS TO  
39 COMPLEX REHABILITATION TECHNOLOGY FOR CLIENTS.

40 **SECTION 2.** In Colorado Revised Statutes, 25.5-5-404, **add** (1)  
41 (v) as follows:



1           **25.5-5-404. Selection of managed care entities.** (1) In addition  
2 to any other criteria specified in rule by the state board, in order to  
3 participate in the managed care system, the MCE shall comply with  
4 specific criteria that include, but are not limited to, the following:

5           (v) THE MCE SHALL COMPLY WITH PROVISIONS RELATING TO  
6 COMPLEX REHABILITATION TECHNOLOGY ESTABLISHED BY THE STATE  
7 DEPARTMENT PURSUANT TO SECTION 25.5-5-323. THIS PROVISION DOES  
8 NOT APPLY TO ARTICLE 8 OF THIS TITLE.

9           **SECTION 3. Act subject to petition - effective date.** This act  
10 takes effect January 1, 2015; except that, if a referendum petition is filed  
11 pursuant to section 1 (3) of article V of the state constitution against this  
12 act or an item, section, or part of this act within the ninety-day period  
13 after final adjournment of the general assembly, then the act, item,  
14 section, or part will not take effect unless approved by the people at the  
15 general election to be held in November 2014 and, in such case, will take  
16 effect on January 1, 2015, or on the date of the official declaration of the  
17 vote thereon by the governor, whichever is later."

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