

**Second Regular Session  
Sixty-ninth General Assembly  
STATE OF COLORADO**

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 14-0278.01 Brita Darling x2241

**HOUSE BILL 14-1211**

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**HOUSE SPONSORSHIP**

**Young,** Ginal, Singer, Tyler

**SENATE SPONSORSHIP**

**Tochtrop,**

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**House Committees**

Public Health Care & Human Services

Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING    ENSURING    ACCESS    TO    QUALITY    COMPLEX**  
102      **REHABILITATION TECHNOLOGY IN THE MEDICAID PROGRAM.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

The bill requires the department of health care policy and financing (department) to recognize complex rehabilitation technology as a specific need of persons with complex diagnoses or medical conditions that result in significant physical or functional needs.

The department must designate appropriate billing codes as

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.

*Capital letters indicate new material to be added to existing statute.*

*Dashes through the words indicate deletions from existing statute.*

complex rehabilitation technology and establish supplier quality standards for complex rehabilitation technology suppliers. Additionally, the department must require evaluation of complex needs patients by qualified professionals for purposes of identifying appropriate complex rehabilitation technology. Further, the department must develop pricing policies for complex rehabilitation technology.

The bill defines terms relating to complex rehabilitation technology.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

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

4 **25.5-5-323. Complex rehabilitation technology - legislative**  
5 **declaration - definitions.** (1) THE GENERAL ASSEMBLY FINDS AND  
6 DECLARES IT IS IN THE BEST INTERESTS OF THE PEOPLE OF THE STATE OF  
7 COLORADO TO:

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

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

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

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

1 MAINTENANCE AND REPAIR.

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

4 (a) "COMPLEX REHABILITATION TECHNOLOGY" MEANS  
5 INDIVIDUALLY CONFIGURED MANUAL WHEELCHAIR SYSTEMS, POWER  
6 WHEELCHAIR SYSTEMS, ADAPTIVE SEATING SYSTEMS, ALTERNATIVE  
7 POSITIONING SYSTEMS, STANDING FRAMES, GAIT TRAINERS, AND  
8 SPECIFICALLY DESIGNATED OPTIONS AND ACCESSORIES CLASSIFIED AS  
9 DURABLE MEDICAL EQUIPMENT THAT:

10 (I) ARE INDIVIDUALLY CONFIGURED FOR INDIVIDUALS TO MEET  
11 THEIR SPECIFIC AND UNIQUE MEDICAL, PHYSICAL, AND FUNCTIONAL NEEDS  
12 AND CAPACITIES FOR BASIC ACTIVITIES OF DAILY LIVING AND  
13 INSTRUMENTAL ACTIVITIES OF DAILY LIVING, INCLUDING EMPLOYMENT,  
14 IDENTIFIED AS MEDICALLY NECESSARY TO PROMOTE MOBILITY IN THE  
15 HOME AND COMMUNITY OR PREVENT HOSPITALIZATION OR  
16 INSTITUTIONALIZATION OF THE CLIENT;

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

20 (III) REQUIRE CERTAIN SERVICES PROVIDED BY A QUALIFIED  
21 COMPLEX REHABILITATION TECHNOLOGY PROVIDER TO ENSURE  
22 APPROPRIATE DESIGN, CONFIGURATION, AND USE OF SUCH ITEMS,  
23 INCLUDING PATIENT EVALUATION OR ASSESSMENT OF THE CLIENT BY A  
24 HEALTH CARE PROFESSIONAL, AND THAT ARE CONSISTENT WITH THE  
25 CLIENT'S MEDICAL CONDITION, PHYSICAL AND FUNCTIONAL NEEDS AND  
26 CAPACITIES, BODY SIZE, PERIOD OF NEED, AND INTENDED USE.

27 (b) "INDIVIDUALLY CONFIGURED" MEANS THAT A DEVICE HAS

1 FEATURES, ADJUSTMENTS, OR MODIFICATIONS SPECIFIC TO A CLIENT THAT  
2 A QUALIFIED COMPLEX REHABILITATION TECHNOLOGY SUPPLIER PROVIDES  
3 BY MEASURING, FITTING, PROGRAMMING, ADJUSTING, ADAPTING, AND  
4 MAINTAINING THE DEVICE SO THAT THE DEVICE IS CONSISTENT WITH AN  
5 ASSESSMENT OR EVALUATION OF THE CLIENT BY A HEALTH CARE  
6 PROFESSIONAL AND CONSISTENT WITH THE CLIENT'S MEDICAL CONDITION,  
7 PHYSICAL AND FUNCTIONAL NEEDS AND CAPACITIES, BODY SIZE, PERIOD  
8 OF NEED, AND INTENDED USE.

9 (c) "QUALIFIED COMPLEX REHABILITATION TECHNOLOGY  
10 PROFESSIONAL" MEANS AN INDIVIDUAL WHO IS CERTIFIED BY THE  
11 REHABILITATION ENGINEERING AND ASSISTIVE TECHNOLOGY SOCIETY OF  
12 NORTH AMERICA OR OTHER NATIONALLY RECOGNIZED ACCREDITING  
13 ORGANIZATIONS AS AN ASSISTIVE TECHNOLOGY PROFESSIONAL.

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

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

18 (II) MEETS THE SUPPLIER AND QUALITY STANDARDS ESTABLISHED  
19 FOR DURABLE MEDICAL EQUIPMENT SUPPLIERS UNDER THE MEDICARE OR  
20 MEDICAID PROGRAM;

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

23 (A) ANALYZE THE NEEDS AND CAPACITIES OF CLIENTS FOR A  
24 COMPLEX REHABILITATION TECHNOLOGY ITEM IN CONSULTATION WITH  
25 THE EVALUATING CLINICAL PROFESSIONALS;

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

1 (C) PROVIDE THE CLIENT TECHNOLOGY-RELATED TRAINING IN THE  
2 PROPER USE AND MAINTENANCE OF THE SELECTED COMPLEX  
3 REHABILITATION TECHNOLOGY ITEMS;

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

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

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

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

27 (a) THE STATE DEPARTMENT NOTIFYING THE QUALIFIED

1 REHABILITATION TECHNOLOGY SUPPLIERS CONCERNING THE PARAMETERS  
2 OF THE COMPLEX REHABILITATION TECHNOLOGY BENEFIT, WHICH BENEFIT  
3 MUST INCLUDE THE USE OF QUALIFIED REHABILITATION TECHNOLOGY  
4 SUPPLIERS AS WELL AS BILLING PROCEDURES THAT SPECIFY THE TYPES OF  
5 EQUIPMENT IDENTIFIED AND INCLUDED IN THE COMPLEX REHABILITATION  
6 TECHNOLOGY BENEFIT. THE STATE DEPARTMENT SHALL CREATE COMPLEX  
7 REHABILITATION TECHNOLOGY BENEFIT PARAMETERS THAT ARE EASILY  
8 UNDERSTOOD BY AND ACCESSIBLE TO CLIENTS AND QUALIFIED  
9 REHABILITATION TECHNOLOGY SUPPLIERS. THE STATE DEPARTMENT SHALL  
10 PROVIDE PUBLIC NOTICE NO LATER THAN THIRTY DAYS PRIOR TO A  
11 COLLABORATIVE PROCESS THAT INCLUDES DISCUSSION OF ANY PROPOSED  
12 CHANGES TO THE TYPES OF EQUIPMENT IDENTIFIED AND INCLUDED IN THE  
13 COMPLEX REHABILITATION TECHNOLOGY BENEFIT.

14 (b) ADOPTING SPECIFIC SUPPLIER STANDARDS, AS DESCRIBED IN  
15 PARAGRAPH (d) OF SUBSECTION (2) OF THIS SECTION, FOR COMPANIES OR  
16 ENTITIES THAT PROVIDE COMPLEX REHABILITATION TECHNOLOGY AND  
17 RESTRICTING THE PROVISION OF COMPLEX REHABILITATION TECHNOLOGY  
18 TO THOSE COMPANIES OR ENTITIES THAT ARE QUALIFIED COMPLEX  
19 REHABILITATION SUPPLIERS;

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

22 (I) A QUALIFIED HEALTH CARE PROFESSIONAL, INCLUDING BUT NOT  
23 LIMITED TO A LICENSED PHYSICAL THERAPIST, A LICENSED OCCUPATIONAL  
24 THERAPIST, OR OTHER LICENSED HEALTH CARE PROFESSIONAL WHO HAS NO  
25 FINANCIAL RELATIONSHIP WITH THE QUALIFIED COMPLEX REHABILITATION  
26 TECHNOLOGY SUPPLIER AND PERFORMS SPECIALTY EVALUATIONS WITHIN  
27 HIS OR HER SCOPE OF PRACTICE; AND

1 (II) A QUALIFIED COMPLEX REHABILITATION TECHNOLOGY  
2 PROFESSIONAL EMPLOYED BY THE QUALIFIED COMPLEX REHABILITATION  
3 TECHNOLOGY SUPPLIER. THE ASSESSMENT AND DETERMINATION  
4 PERFORMED BY THE QUALIFIED COMPLEX REHABILITATION TECHNOLOGY  
5 PROFESSIONAL EMPLOYED BY THE QUALIFIED COMPLEX REHABILITATION  
6 SUPPLIER SHALL CONTINUE TO BE INCLUDED IN THE REIMBURSEMENT FOR  
7 THE PURCHASED OR RENTED COMPLEX REHABILITATION TECHNOLOGY;

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

11 (I) CONTINUING TO ENSURE THAT THE REIMBURSEMENT AMOUNTS  
12 FOR COMPLEX REHABILITATION TECHNOLOGY, REPAIRS, AND SUPPORTING  
13 CLINICAL COMPLEX REHABILITATION TECHNOLOGY SERVICES ARE  
14 ADEQUATE TO ENSURE THAT QUALIFIED CLIENTS HAVE ACCESS TO THE  
15 ITEMS, TAKING INTO ACCOUNT THE UNIQUE NEEDS OF THE CLIENTS AND  
16 THE COMPLEXITY AND CUSTOMIZATION OF COMPLEX REHABILITATION  
17 TECHNOLOGY. THIS INCLUDES DEVELOPING PRICING POLICIES THAT  
18 ENSURE ACCESS TO ADEQUATE AND TIMELY REPAIRS.

19 (II) EXEMPTING COMPLEX REHABILITATION TECHNOLOGY FROM  
20 INCLUSION IN COMPETITIVE BIDDING PROGRAMS OR SIMILAR PROCESSES;  
21 AND

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

27 (e) MAKING OTHER CHANGES AS NEEDED TO PROTECT ACCESS TO

1 COMPLEX REHABILITATION TECHNOLOGY FOR CLIENTS.

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

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

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

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