

HOUSE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee

March 18, 2014  
Date

Committee on Public Health Care & Human Services.

After consideration on the merits, the Committee recommends the following:

HB14-1211 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

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.

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

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

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

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

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

26 (b) "INDIVIDUALLY CONFIGURED" MEANS THAT A DEVICE HAS  
27 FEATURES, ADJUSTMENTS, OR MODIFICATIONS SPECIFIC TO A CLIENT THAT  
28 A QUALIFIED COMPLEX REHABILITATION TECHNOLOGY SUPPLIER PROVIDES  
29 BY MEASURING, FITTING, PROGRAMMING, ADJUSTING, ADAPTING, AND  
30 MAINTAINING THE DEVICE SO THAT THE DEVICE IS CONSISTENT WITH AN  
31 ASSESSMENT OR EVALUATION OF THE CLIENT BY A HEALTH CARE  
32 PROFESSIONAL AND CONSISTENT WITH THE CLIENT'S MEDICAL CONDITION,  
33 PHYSICAL AND FUNCTIONAL NEEDS AND CAPACITIES, BODY SIZE, PERIOD  
34 OF NEED, AND INTENDED USE.

35 (c) "QUALIFIED COMPLEX REHABILITATION TECHNOLOGY  
36 PROFESSIONAL" MEANS AN INDIVIDUAL WHO IS CERTIFIED BY THE  
37 REHABILITATION ENGINEERING AND ASSISTIVE TECHNOLOGY SOCIETY OF  
38 NORTH AMERICA OR OTHER NATIONALLY RECOGNIZED ACCREDITING  
39 ORGANIZATIONS AS AN ASSISTIVE TECHNOLOGY PROFESSIONAL.

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

1 (I) IS ACCREDITED BY A RECOGNIZED ACCREDITING ORGANIZATION  
2 AS A SUPPLIER OF COMPLEX REHABILITATION TECHNOLOGY;  
3 (II) MEETS THE SUPPLIER AND QUALITY STANDARDS ESTABLISHED  
4 FOR DURABLE MEDICAL EQUIPMENT SUPPLIERS UNDER THE MEDICARE OR  
5 MEDICAID PROGRAM;  
6 (III) EMPLOYS AT LEAST ONE QUALIFIED COMPLEX  
7 REHABILITATION TECHNOLOGY PROFESSIONAL FOR EACH LOCATION TO:  
8 (A) ANALYZE THE NEEDS AND CAPACITIES OF CLIENTS FOR A  
9 COMPLEX REHABILITATION TECHNOLOGY ITEM IN CONSULTATION WITH  
10 THE EVALUATING CLINICAL PROFESSIONALS;  
11 (B) ASSIST IN SELECTING APPROPRIATE COMPLEX REHABILITATION  
12 TECHNOLOGY ITEMS FOR SUCH NEEDS AND CAPACITIES; AND  
13 (C) PROVIDE THE CLIENT TECHNOLOGY-RELATED TRAINING IN THE  
14 PROPER USE AND MAINTENANCE OF THE SELECTED COMPLEX  
15 REHABILITATION TECHNOLOGY ITEMS;  
16 (IV) HAS THE QUALIFIED COMPLEX REHABILITATION TECHNOLOGY  
17 PROFESSIONAL DIRECTLY INVOLVED WITH THE ASSESSMENT, AND  
18 DETERMINATION OF THE APPROPRIATE INDIVIDUALLY CONFIGURED  
19 COMPLEX REHABILITATION TECHNOLOGY FOR THE CLIENT, WITH SUCH  
20 INVOLVEMENT TO INCLUDE SEEING THE CLIENT VISUALLY EITHER IN  
21 PERSON OR BY ANY OTHER REAL-TIME MEANS WITHIN A REASONABLE TIME  
22 FRAME DURING THE DETERMINATION PROCESS.  
23 (V) MAINTAINS A REASONABLE SUPPLY OF PARTS, ADEQUATE  
24 PHYSICAL FACILITIES, AND QUALIFIED SERVICE OR REPAIR TECHNICIANS TO  
25 PROVIDE CLIENTS WITH PROMPT SERVICE AND REPAIR OF ALL COMPLEX  
26 REHABILITATION TECHNOLOGY IT SELLS OR SUPPLIES; AND  
27 (VI) PROVIDES THE CLIENT WRITTEN INFORMATION AT THE TIME  
28 OF SALE AS TO HOW TO ACCESS SERVICE AND REPAIR.  
29 (3) THE STATE DEPARTMENT SHALL PROVIDE A SEPARATE  
30 RECOGNITION WITHIN THE STATE'S MEDICAID PROGRAM ESTABLISHED  
31 UNDER ARTICLES 4, 5, AND 6 OF THIS TITLE FOR COMPLEX REHABILITATION  
32 TECHNOLOGY AND SHALL MAKE OTHER REQUIRED CHANGES TO PROTECT  
33 CLIENT ACCESS TO APPROPRIATE PRODUCTS AND SERVICES. SUCH  
34 SEPARATE RECOGNITION MUST TAKE INTO CONSIDERATION THE  
35 CUSTOMIZED NATURE OF COMPLEX REHABILITATION TECHNOLOGY AND  
36 THE BROAD RANGE OF RELATED SERVICES NECESSARY TO MEET THE  
37 UNIQUE MEDICAL AND FUNCTIONAL NEEDS OF CLIENTS AND INCLUDE THE  
38 FOLLOWING:  
39 (a) THE STATE DEPARTMENT NOTIFYING THE QUALIFIED  
40 REHABILITATION TECHNOLOGY SUPPLIERS CONCERNING THE PARAMETERS  
41 OF THE COMPLEX REHABILITATION TECHNOLOGY BENEFIT, WHICH BENEFIT

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

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

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

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

26 (II) A QUALIFIED COMPLEX REHABILITATION TECHNOLOGY  
27 PROFESSIONAL EMPLOYED BY THE QUALIFIED COMPLEX REHABILITATION  
28 TECHNOLOGY SUPPLIER. THE ASSESSMENT AND DETERMINATION  
29 PERFORMED BY THE QUALIFIED COMPLEX REHABILITATION TECHNOLOGY  
30 PROFESSIONAL EMPLOYED BY THE QUALIFIED COMPLEX REHABILITATION  
31 SUPPLIER SHALL CONTINUE TO BE INCLUDED IN THE REIMBURSEMENT FOR  
32 THE PURCHASED OR RENTED COMPLEX REHABILITATION TECHNOLOGY;

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

36 (I) CONTINUING TO ENSURE THAT THE REIMBURSEMENT AMOUNTS  
37 FOR COMPLEX REHABILITATION TECHNOLOGY, REPAIRS, AND SUPPORTING  
38 CLINICAL COMPLEX REHABILITATION TECHNOLOGY SERVICES ARE  
39 ADEQUATE TO ENSURE THAT QUALIFIED CLIENTS HAVE ACCESS TO THE  
40 ITEMS, TAKING INTO ACCOUNT THE UNIQUE NEEDS OF THE CLIENTS AND  
41 THE COMPLEXITY AND CUSTOMIZATION OF COMPLEX REHABILITATION

1 TECHNOLOGY. THIS INCLUDES DEVELOPING PRICING POLICIES THAT  
2 ENSURE ACCESS TO ADEQUATE AND TIMELY REPAIRS.

3 (II) EXEMPTING COMPLEX REHABILITATION TECHNOLOGY FROM  
4 INCLUSION IN COMPETITIVE BIDDING PROGRAMS OR SIMILAR PROCESSES;  
5 AND

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

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

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

15 **25.5-5-404. Selection of managed care entities.** (1) In addition  
16 to any other criteria specified in rule by the state board, in order to  
17 participate in the managed care system, the MCE shall comply with  
18 specific criteria that include, but are not limited to, the following:

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

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

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