

SENATE BILL NO. 499

June 02, 2021, Introduced by Senators DALEY, IRWIN, WOJNO, LASATA, HOLLIER, VICTORY, BAYER, ANANICH, MACDONALD, BRINKS, CHANG, VANDERWALL and SCHMIDT and referred to the Committee on Health Policy and Human Services.

A bill to provide definitions for the complex needs patient act.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "complex needs patient definitions act".

3 Sec. 3. As used in this act and the complex needs patient act:

4 (a) "Complex needs patient" means an individual with a
5 diagnosis of a medical condition that results in significant
6 physical impairment or functional limitation. Complex needs patient

1 includes, but is not limited to, an individual with spinal cord
2 injury, traumatic brain injury, cerebral palsy, muscular dystrophy,
3 spina bifida, osteogenesis imperfecta, arthrogryposis, amyotrophic
4 lateral sclerosis, multiple sclerosis, demyelinating disease,
5 myelopathy, myopathy, progressive muscular atrophy, anterior horn
6 cell disease, post-polio syndrome, cerebellar degeneration,
7 dystonia, Huntington's disease, spinocerebellar disease, and
8 certain types of amputation, paralysis, or paresis that result in
9 significant physical impairment or functional limitation. A complex
10 needs patient must meet medical necessity requirements in order to
11 qualify for receiving complex rehabilitation technology.

12 (b) "Complex rehabilitation technology" means an item
13 classified within the Medicare program as of January 1, 2020, as
14 durable medical equipment that is individually configured for an
15 individual to meet his or her specific and unique medical,
16 physical, and functional needs and capacity for basic activities of
17 daily living and instrumental activities of daily living identified
18 as medically necessary. Complex rehabilitation technology includes,
19 but is not limited to, complex rehabilitation manual and power
20 wheelchairs and options or accessories, adaptive seating and
21 positioning items and options or accessories, and other specialized
22 equipment such as standing frames and gait trainers and options or
23 accessories.

24 (c) "Department" means the department of health and human
25 services.

26 (d) "Employee" means an employee as defined in section 3401(c)
27 of the internal revenue code of 1986, 26 USC 3401. Any person from
28 whom an employer is required to withhold for federal income tax
29 purposes shall prima facie be deemed an employee. Employee does not

1 include a contract employee.

2 (e) "Healthcare common procedure coding system" or "HCPCS"
3 means the billing codes used by Medicare and overseen by the
4 federal Centers for Medicare and Medicaid Services that are based
5 on the current procedural technology codes developed by the
6 American Medical Association.

7 (f) "Individually configured" means a device has a combination
8 of sizes, features, adjustments, or modifications that a qualified
9 complex rehabilitation technology supplier can customize to a
10 specific individual by measuring, fitting, programming, adjusting,
11 or adapting the device as appropriate so that the device is
12 consistent with an assessment or evaluation of the individual by a
13 qualified health care professional and consistent with the
14 individual's medical condition, physical and functional needs and
15 capacities, body size, period of need, and intended use.

16 (g) "Qualified complex rehabilitation technology professional"
17 means an individual who is certified as an assistive technology
18 professional by the Rehabilitation Engineering and Assistive
19 Technology Society of North America or as a certified complex
20 rehabilitation technology supplier by the National Registry of
21 Rehabilitation Technology Suppliers, or an individual who is
22 approved by the department, but only if a qualified complex
23 rehabilitation technology supplier is unavailable.

24 (h) "Qualified complex rehabilitation technology supplier"
25 means a company or entity that satisfies either of the following:

26 (i) The company or entity is a complex rehabilitation
27 technology supplier that is or does all of the following:

28 (A) Is accredited by a recognized accrediting organization as
29 a supplier of complex rehabilitation technology.

1 (B) Is an enrolled Medicare supplier and meets the supplier
2 and quality standards established for durable medical equipment
3 suppliers, including the standards for complex rehabilitation
4 technology, under the Medicare program.

5 (C) Has at least 1 employee who is a qualified complex
6 rehabilitation technology professional for each location to do the
7 following:

8 (I) Analyze the needs and capacities of the complex needs
9 patient in consultation with qualified health care professionals.

10 (II) Participate in the selection of appropriate complex
11 rehabilitation technology for the needs and capacities of the
12 complex needs patient.

13 (III) Provide technology-related training in the proper use of
14 the complex rehabilitation technology.

15 (D) Requires a qualified complex rehabilitation technology
16 professional be physically present for the evaluation and
17 determination of appropriate complex rehabilitation technology.

18 (E) Has the capability to provide service and repair by a
19 qualified technician for all complex rehabilitation technology it
20 sells.

21 (F) Provides written information at the time of delivery of
22 complex rehabilitation technology regarding how the complex needs
23 patient may receive service and repair.

24 (ii) If a company or entity described under subparagraph (i) is
25 unavailable, a company or entity that is approved by the
26 department.

27 (i) "Qualified health care professional" means a health care
28 professional licensed by the department of licensing and regulatory
29 affairs under article 15 of the public health code, 1978 PA 368,

1 MCL 333.16101 to 333.18838, who has no financial relationship with
2 a qualified complex rehabilitation technology supplier. If a
3 qualified complex rehabilitation technology supplier is owned by a
4 hospital, the health care professional may be employed by the
5 hospital and work in an inpatient or outpatient setting. Qualified
6 health care professional includes, but is not limited to, a
7 licensed physician, a licensed physical therapist, a licensed
8 occupational therapist, or other licensed health care professional
9 who performs specialty evaluations within the professional's scope
10 of practice.

11 Enacting section 1. This act does not take effect unless
12 Senate Bill No. 500 of the 101st Legislature is enacted into law.