

Act No. 103
Public Acts of 2024
Approved by the Governor
July 23, 2024
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**STATE OF MICHIGAN
102ND LEGISLATURE
REGULAR SESSION OF 2024**

Introduced by Senators Daley and Irwin

ENROLLED SENATE BILL No. 449

AN ACT to amend 1939 PA 280, entitled “An act to protect the welfare of the people of this state; to provide general assistance, hospitalization, infirmary and medical care to poor or unfortunate persons; to provide for compliance by this state with the social security act; to provide protection, welfare and services to aged persons, dependent children, the blind, and the permanently and totally disabled; to administer programs and services for the prevention and treatment of delinquency, dependency and neglect of children; to create a state department of social services; to prescribe the powers and duties of the department; to provide for the interstate and intercounty transfer of dependents; to create county and district departments of social services; to create within certain county departments, bureaus of social aid and certain divisions and offices thereunder; to prescribe the powers and duties of the departments, bureaus and officers; to provide for appeals in certain cases; to prescribe the powers and duties of the state department with respect to county and district departments; to prescribe certain duties of certain other state departments, officers, and agencies; to make an appropriation; to prescribe penalties for the violation of the provisions of this act; and to repeal certain parts of this act on specific dates,” (MCL 400.1 to 400.119b) by adding section 108b.

The People of the State of Michigan enact:

Sec. 108b. The department shall establish focused policies and promulgate focused rules for complex rehabilitation technology products and services. The focused policies and rules must take into consideration the individually configured nature of complex rehabilitation technology and the broad range of services necessary to meet the unique medical and functional needs of an individual with complex medical needs by doing all of the following:

(a) Designating specific HCPCS billing codes for complex rehabilitation technology and any new codes in the future as appropriate.

(b) Establishing specific supplier standards for a company or entity that provides complex rehabilitation technology and restricting providing complex rehabilitation technology to only a qualified complex rehabilitation technology supplier or an individual, company, or entity approved by the department, but only if a qualified complex rehabilitative technology supplier is unavailable.

(c) Requiring a complex needs patient receiving a complex rehabilitation manual wheelchair, power wheelchair, or seating component to be evaluated by the following:

(i) A qualified health care professional.

(ii) A qualified complex rehabilitation technology professional. If a qualified complex rehabilitation professional is not available, the following apply:

(A) A qualified health care professional may perform the evaluation described under this subdivision and document the justification or medical necessity for the equipment and services being prescribed.

(B) A durable medical equipment supplier or individual approved by the department may deliver the equipment described under this subdivision under the direction of a qualified health care professional. Delivery of the equipment described under this subdivision must be coordinated with a qualified health care professional.

(d) Maintaining payment policies and rates for complex rehabilitation technology to ensure payment amounts are adequate to provide complex needs patients with access to those items. These policies and rates must take into account the significant resources, infrastructure, and staff needed to appropriately provide complex rehabilitation technology to meet the unique needs of a complex needs patient.

(e) Exempting the related complex rehabilitation technology HCPCS billing codes from inclusion in bidding, selective contracting, or similar initiative.

(f) Requiring that managed care Medicaid plans adopt the regulations and policies outlined in this act and include these regulations and policies in their contracts with qualified complex rehabilitation technology suppliers.

(g) Making other changes as needed to protect access to complex rehabilitation technology for complex needs patients.

Enacting section 1. This amendatory act does not take effect unless Senate Bill No. 450 of the 102nd Legislature is enacted into law.

This act is ordered to take immediate effect.



Secretary of the Senate



Clerk of the House of Representatives

Approved _____

Governor