

CERTIFICATION OF ENROLLMENT

ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1445

Chapter 178, Laws of 2013

63rd Legislature
2013 Regular Session

COMPLEX REHABILITATION TECHNOLOGY PRODUCTS

EFFECTIVE DATE: 01/01/14

Passed by the House April 22, 2013
Yeas 92 Nays 3

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 16, 2013
Yeas 46 Nays 0

BRAD OWEN

President of the Senate

Approved May 8, 2013, 2:33 p.m.

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1445** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

Chief Clerk

FILED

May 8, 2013

**Secretary of State
State of Washington**

ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1445

AS AMENDED BY THE SENATE

Passed Legislature - 2013 Regular Session

State of Washington

63rd Legislature

2013 Regular Session

By House Appropriations Subcommittee on Health & Human Services
(originally sponsored by Representatives Cody, Green, Jinkins, and
Morrell)

READ FIRST TIME 03/01/13.

1 AN ACT Relating to complex rehabilitation technology products;
2 adding a new section to chapter 74.09 RCW; creating a new section; and
3 providing an effective date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature intends to:

6 (1) Protect access for complex needs patients to important
7 technology and supporting services;

8 (2) Establish and improve safeguards relating to the delivery and
9 provision of medically necessary complex rehabilitation technology; and

10 (3) Provide supports for complex needs patients to stay in the home
11 or community setting, prevent institutionalization, and prevent
12 hospitalizations and other costly secondary complications.

13 NEW SECTION. **Sec. 2.** A new section is added to chapter 74.09 RCW
14 to read as follows:

15 (1) The authority shall establish a separate recognition for
16 individually configured, complex rehabilitation technology products and
17 services for complex needs patients with the medical assistance
18 program. This separate recognition shall:

1 (a) Establish a budget and services category separate from other
2 categories, such as durable medical equipment and supplies;

3 (b) Take into consideration the customized nature of complex
4 rehabilitation technology and the broad range of services necessary to
5 meet the unique medical and functional needs of people with complex
6 medical needs; and

7 (c) Establish standards for the purchase of complex rehabilitation
8 technology exclusively from qualified complex rehabilitation technology
9 suppliers.

10 (2) The authority shall require complex needs patients receiving
11 complex rehabilitation technology to be evaluated by:

12 (a) A licensed health care provider who performs specialty
13 evaluations within his or her scope of practice, including a physical
14 therapist licensed under chapter 18.74 RCW and an occupational
15 therapist licensed under chapter 18.59 RCW, and has no financial
16 relationship with the qualified complex rehabilitation technology
17 supplier; and

18 (b) A qualified complex rehabilitation technology professional, as
19 identified in subsection (3)(d)(iii) of this section.

20 (3) As used in this section:

21 (a) "Complex needs patient" means an individual with a diagnosis or
22 medical condition that results in significant physical or functional
23 needs and capacities. "Complex needs patient" does not negate the
24 requirement that an individual meet medical necessity requirements
25 under authority rules to qualify for receiving a complex rehabilitation
26 product.

27 (b) "Complex rehabilitation technology" means wheelchairs and
28 seating systems classified as durable medical equipment within the
29 medicare program as of January 1, 2013, that:

30 (i) Are individually configured for individuals to meet their
31 specific and unique medical, physical, and functional needs and
32 capacities for basic activities of daily living and instrumental
33 activities of daily living identified as medically necessary to prevent
34 hospitalization or institutionalization of a complex needs patient;

35 (ii) Are primarily used to serve a medical purpose and generally
36 not useful to a person in the absence of an illness or injury; and

37 (iii) Require certain services to allow for appropriate design,

1 configuration, and use of such item, including patient evaluation and
2 equipment fitting and configuration.

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

12 (d) "Qualified complex rehabilitation technology supplier" means a
13 company or entity that:

14 (i) Is accredited by a recognized accrediting organization as a
15 supplier of complex rehabilitation technology;

16 (ii) Meets the supplier and quality standards established for
17 durable medical equipment suppliers under the medicare program;

18 (iii) For each site that it operates, employs at least one complex
19 rehabilitation technology professional, who has been certified by the
20 rehabilitation engineering and assistive technology society of North
21 America as an assistive technology professional, to analyze the needs
22 and capacities of complex needs patients, assist in selecting
23 appropriate covered complex rehabilitation technology items for such
24 needs and capacities, and provide training in the use of the selected
25 covered complex rehabilitation technology items;

26 (iv) Has the complex rehabilitation technology professional
27 physically present for the evaluation and determination of the
28 appropriate individually configured complex rehabilitation technologies
29 for the complex needs patient;

30 (v) Provides service and repairs by qualified technicians for all
31 complex rehabilitation technology products it sells; and

32 (vi) Provides written information to the complex needs patient at
33 the time of delivery about how the individual may receive service and
34 repair.

35 NEW SECTION. **Sec. 3.** This act takes effect January 1, 2014.

Passed by the House April 22, 2013.

Passed by the Senate April 16, 2013.

Approved by the Governor May 8, 2013.

Filed in Office of Secretary of State May 8, 2013.