

REFERENCE TITLE: AHCCCS; complex rehabilitation technology

State of Arizona
House of Representatives
Fifty-fifth Legislature
Second Regular Session
2022

HB 2526

Introduced by
Representatives Longdon: Cano, Epstein, Jermaine, Pawlik, Senator Gonzales

AN ACT

AMENDING TITLE 36, CHAPTER 29, ARTICLE 1, ARIZONA REVISED STATUTES, BY
ADDING SECTION 36-2930.07; RELATING TO THE ARIZONA HEALTH CARE COST
CONTAINMENT SYSTEM.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 36, chapter 29, article 1, Arizona Revised
3 Statutes, is amended by adding section 36-2930.07, to read:

4 36-2930.07. Complex rehabilitation technology; rules;
5 policies; definitions

6 A. THE ADMINISTRATION SHALL ESTABLISH FOCUSED RULES AND POLICIES
7 FOR COMPLEX REHABILITATION TECHNOLOGY PRODUCTS AND SERVICES THAT CONSIDER
8 THE CUSTOMIZED NATURE OF COMPLEX REHABILITATION TECHNOLOGY AND THE BROAD
9 RANGE OF SERVICES NECESSARY TO MEET THE UNIQUE MEDICAL AND FUNCTIONAL
10 NEEDS OF PEOPLE WITH COMPLEX MEDICAL NEEDS. THE RULES AND POLICIES MUST
11 DO ALL OF THE FOLLOWING:

12 1. DESIGNATE SPECIFIC HEALTH CARE COMMON PROCEDURE CODING SYSTEM
13 BILLING CODES AS COMPLEX REHABILITATION TECHNOLOGY AND, AS NEEDED, CREATE
14 NEW BILLING CODES OR MODIFIERS FOR SERVICES AND PRODUCTS COVERED FOR
15 COMPLEX MEDICAL NEEDS PATIENTS.

16 2. ESTABLISH SPECIFIC SUPPLIER STANDARDS FOR COMPANIES OR ENTITIES
17 THAT PROVIDE COMPLEX REHABILITATION TECHNOLOGY AND RESTRICT THE PROVISION
18 OF COMPLEX REHABILITATION TECHNOLOGY TO ONLY QUALIFIED COMPLEX
19 REHABILITATION TECHNOLOGY SUPPLIERS.

20 3. REQUIRE COMPLEX MEDICAL NEEDS PATIENTS WHO RECEIVE A COMPLEX
21 REHABILITATION MANUAL WHEELCHAIR, POWER WHEELCHAIR OR SEATING COMPONENT TO
22 BE EVALUATED BY A QUALIFIED HEALTH CARE PROFESSIONAL AND A QUALIFIED
23 COMPLEX REHABILITATION TECHNOLOGY PROFESSIONAL.

24 4. MAINTAIN PAYMENT POLICIES AND RATES FOR COMPLEX REHABILITATION
25 TECHNOLOGY TO ENSURE THAT PAYMENT AMOUNTS ARE ADEQUATE TO PROVIDE COMPLEX
26 MEDICAL NEEDS PATIENTS WITH ACCESS TO THOSE ITEMS. SUCH POLICIES AND
27 RATES SHALL TAKE INTO ACCOUNT THE SIGNIFICANT RESOURCES, INFRASTRUCTURE
28 AND STAFF NEEDED TO APPROPRIATELY PROVIDE COMPLEX REHABILITATION
29 TECHNOLOGY TO MEET THE UNIQUE NEEDS OF COMPLEX MEDICAL NEEDS PATIENTS.

30 5. EXEMPT THE RELATED COMPLEX REHABILITATION TECHNOLOGY HEALTH CARE
31 COMMON PROCEDURE CODING SYSTEM BILLING CODES FROM INCLUSION IN ANY
32 BIDDING, SELECTIVE CONTRACTING OR SIMILAR INITIATIVE.

33 6. REQUIRE THAT CONTRACTORS ADOPT SIMILAR POLICIES REFLECTING THE
34 RULES AND POLICIES PRESCRIBED IN THIS SECTION AND CONTRACT WITH ANY
35 WILLING, QUALIFIED COMPLEX REHABILITATION TECHNOLOGY SUPPLIER.

36 7. MAKE ANY OTHER CHANGES AS NEEDED TO PROTECT ACCESS TO COMPLEX
37 REHABILITATION TECHNOLOGY FOR COMPLEX MEDICAL NEEDS PATIENTS.

38 B. FOR THE PURPOSES OF THIS SECTION:

39 1. "COMPLEX MEDICAL NEEDS PATIENT":

40 (a) MEANS A MEMBER WITH A DIAGNOSIS OR MEDICAL CONDITION THAT
41 RESULTS IN A SIGNIFICANT PHYSICAL IMPAIRMENT OR FUNCTIONAL LIMITATION.

42 (b) INCLUDES INDIVIDUALS WITH SPINAL CORD INJURY, TRAUMATIC BRAIN
43 INJURY, CEREBRAL PALSY, MUSCULAR DYSTROPHY, SPINA BIFIDA, OSTEOGENESIS
44 IMPERFECTA, ARTHROGRYPOSIS, AMYOTROPHIC LATERAL SCLEROSIS, MULTIPLE
45 SCLEROSIS, DEMYELINATING DISEASE, MYELOPATHY, MYOPATHY, PROGRESSIVE

1 MUSCULAR ATROPHY, ANTERIOR HORN CELL DISEASE, POSTPOLIO SYNDROME,
2 CEREBELLARDEGENERATION, DYSTONIA, HUNTINGTON'S DISEASE, SPINOCEREBELLAR
3 DISEASE AND CERTAIN TYPES OF AMPUTATION, PARALYSIS OR PARESIS THAT RESULT
4 IN A SIGNIFICANT PHYSICAL IMPAIRMENT OR FUNCTIONAL LIMITATION.

5 2. "COMPLEX REHABILITATION TECHNOLOGY":

6 (a) MEANS ITEMS THAT ARE CLASSIFIED WITHIN THE MEDICARE PROGRAM AS
7 OF JANUARY 1, 2015 AS DURABLE MEDICAL EQUIPMENT AND THAT ARE INDIVIDUALLY
8 CONFIGURED FOR INDIVIDUALS TO MEET THEIR SPECIFIC AND UNIQUE MEDICAL,
9 PHYSICAL AND FUNCTIONAL NEEDS AND CAPACITIES FOR BASIC ACTIVITIES OF DAILY
10 LIVING AND INSTRUMENTAL ACTIVITIES OF DAILY LIVING IDENTIFIED AS MEDICALLY
11 NECESSARY.

12 (b) INCLUDES:

13 (i) COMPLEX REHABILITATION MANUAL AND POWER WHEELCHAIRS, INCLUDING
14 OPTIONS AND ACCESSORIES.

15 (ii) ADAPTIVE SEATING AND POSITIONING ITEMS, INCLUDING OPTIONS AND
16 ACCESSORIES.

17 (iii) OTHER SPECIALIZED EQUIPMENT SUCH AS STANDING FRAMES AND GAIT
18 TRAINERS, INCLUDING OPTIONS AND ACCESSORIES.

19 3. "HEALTH CARE COMMON PROCEDURE CODING SYSTEM" MEANS THE BILLING
20 CODES USED BY MEDICARE AND OVERSEEN BY THE CENTERS FOR MEDICARE AND
21 MEDICAID SERVICES THAT ARE BASED ON THE CURRENT PROCEDURAL TECHNOLOGY
22 CODES DEVELOPED BY THE AMERICAN MEDICAL ASSOCIATION.

23 4. "INDIVIDUALLY CONFIGURED" MEANS A DEVICE THAT HAS A COMBINATION
24 OF SIZES, FEATURES, ADJUSTMENTS OR MODIFICATIONS THAT A QUALIFIED COMPLEX
25 REHABILITATION TECHNOLOGY SUPPLIER CAN CUSTOMIZE TO A SPECIFIC INDIVIDUAL
26 BY MEASURING, FITTING, PROGRAMMING, ADJUSTING OR ADAPTING THE DEVICE AS
27 APPROPRIATE SO THAT THE DEVICE IS CONSISTENT WITH:

28 (a) AN ASSESSMENT OR EVALUATION OF THE INDIVIDUAL BY A QUALIFIED
29 HEALTH CARE PROFESSIONAL.

30 (b) THE INDIVIDUAL'S MEDICAL CONDITION, PHYSICAL AND FUNCTIONAL
31 NEEDS AND CAPACITIES, BODY SIZE, PERIOD OF NEED AND INTENDED USE.

32 5. "QUALIFIED COMPLEX REHABILITATION TECHNOLOGY PROFESSIONAL" MEANS
33 AN INDIVIDUAL WHO IS CERTIFIED AS AN ASSISTIVE TECHNOLOGY PROFESSIONAL BY
34 THE REHABILITATION ENGINEERING AND ASSISTIVE TECHNOLOGY SOCIETY OF NORTH
35 AMERICA OR AS A CERTIFIED COMPLEX REHABILITATION TECHNOLOGY SUPPLIER BY
36 THE NATIONAL REGISTRY OF REHABILITATION TECHNOLOGY SUPPLIERS.

37 6. "QUALIFIED COMPLEX REHABILITATION TECHNOLOGY SUPPLIER" MEANS A
38 COMPANY OR ENTITY THAT MEETS ALL OF THE FOLLOWING:

39 (a) IS ACCREDITED BY A RECOGNIZED ACCREDITING ORGANIZATION AS A
40 SUPPLIER OF COMPLEX REHABILITATION TECHNOLOGY.

41 (b) IS AN ENROLLED MEDICARE SUPPLIER AND MEETS THE SUPPLIER AND
42 QUALITY STANDARDS ESTABLISHED UNDER MEDICARE FOR DURABLE MEDICAL EQUIPMENT
43 SUPPLIERS, INCLUDING THOSE FOR COMPLEX REHABILITATION TECHNOLOGY.

1 (c) EMPLOYS AT LEAST ONE QUALIFIED COMPLEX REHABILITATION
2 TECHNOLOGY PROFESSIONAL FOR EACH LOCATION TO DO ALL OF THE FOLLOWING:

3 (i) ANALYZE THE NEEDS AND CAPACITIES OF COMPLEX MEDICAL NEEDS
4 PATIENTS IN CONSULTATION WITH QUALIFIED HEALTH CARE PROFESSIONALS.

5 (ii) PARTICIPATE IN SELECTING APPROPRIATE COMPLEX REHABILITATION
6 TECHNOLOGY FOR THE NEEDS AND CAPACITIES OF COMPLEX MEDICAL NEEDS PATIENTS.

7 (iii) PROVIDE TECHNOLOGY-RELATED TRAINING IN PROPERLY USING THE
8 COMPLEX REHABILITATION TECHNOLOGY.

9 (d) REQUIRES A QUALIFIED COMPLEX REHABILITATION TECHNOLOGY
10 PROFESSIONAL TO BE PHYSICALLY PRESENT FOR EVALUATING AND DETERMINING
11 APPROPRIATE COMPLEX REHABILITATION TECHNOLOGY.

12 (e) PROVIDES SERVICE AND REPAIR BY QUALIFIED TECHNICIANS FOR ALL
13 COMPLEX REHABILITATION TECHNOLOGY IT SELLS.

14 (f) PROVIDES WRITTEN INFORMATION AT THE TIME OF DELIVERING COMPLEX
15 REHABILITATION TECHNOLOGY REGARDING HOW THE COMPLEX MEDICAL NEEDS PATIENT
16 MAY RECEIVE SERVICE AND REPAIR.

17 7. "QUALIFIED HEALTH CARE PROFESSIONAL":

18 (a) MEANS A HEALTH CARE PROFESSIONAL WHO IS LICENSED IN THIS STATE
19 AND WHO HAS NO FINANCIAL RELATIONSHIP WITH A QUALIFIED COMPLEX
20 REHABILITATION TECHNOLOGY SUPPLIER.

21 (b) INCLUDES A PHYSICIAN WHO IS LICENSED PURSUANT TO TITLE 32,
22 CHAPTER 13 OR 17, A PHYSICAL THERAPIST WHO IS LICENSED PURSUANT TO TITLE
23 32, CHAPTER 19, AN OCCUPATIONAL THERAPIST WHO IS LICENSED PURSUANT TO
24 TITLE 32, CHAPTER 34 OR ANY OTHER LICENSED HEALTH CARE PROFESSIONAL WHO
25 PERFORMS SPECIALTY EVALUATIONS WITHIN THE PROFESSIONAL'S SCOPE OF
26 PRACTICE.