

**E2SHB 1445** - S COMM AMD  
By Committee on Ways & Means

ADOPTED 04/16/2013

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature intends to:

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

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

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

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

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

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

19 (b) Take into consideration the customized nature of complex  
20 rehabilitation technology and the broad range of services necessary to  
21 meet the unique medical and functional needs of people with complex  
22 medical needs; and

23 (c) Establish standards for the purchase of complex rehabilitation  
24 technology exclusively from qualified complex rehabilitation technology  
25 suppliers.

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

28 (a) A licensed health care provider who performs specialty  
29 evaluations within his or her scope of practice, including a physical

1 therapist licensed under chapter 18.74 RCW and an occupational  
2 therapist licensed under chapter 18.59 RCW, and has no financial  
3 relationship with the qualified complex rehabilitation technology  
4 supplier; and

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

7 (3) As used in this section:

8 (a) "Complex needs patient" means an individual with a diagnosis or  
9 medical condition that results in significant physical or functional  
10 needs and capacities. "Complex needs patient" does not negate the  
11 requirement that an individual meet medical necessity requirements  
12 under authority rules to qualify for receiving a complex rehabilitation  
13 product.

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

17 (i) Are individually configured for individuals to meet their  
18 specific and unique medical, physical, and functional needs and  
19 capacities for basic activities of daily living and instrumental  
20 activities of daily living identified as medically necessary to prevent  
21 hospitalization or institutionalization of a complex needs patient;

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

24 (iii) Require certain services to allow for appropriate design,  
25 configuration, and use of such item, including patient evaluation and  
26 equipment fitting and configuration.

27 (c) "Individually configured" means a device has a combination of  
28 features, adjustments, or modifications specific to a complex needs  
29 patient that a qualified complex rehabilitation technology supplier  
30 provides by measuring, fitting, programming, adjusting, or adapting the  
31 device as appropriate so that the device is consistent with an  
32 assessment or evaluation of the complex needs patient by a health care  
33 professional and consistent with the complex needs patient's medical  
34 condition, physical and functional needs and capacities, body size,  
35 period of need, and intended use.

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

- 1 (i) Is accredited by a recognized accrediting organization as a  
2 supplier of complex rehabilitation technology;
- 3 (ii) Meets the supplier and quality standards established for  
4 durable medical equipment suppliers under the medicare program;
- 5 (iii) For each site that it operates, employs at least one complex  
6 rehabilitation technology professional, who has been certified by the  
7 rehabilitation engineering and assistive technology society of North  
8 America as an assistive technology professional, to analyze the needs  
9 and capacities of complex needs patients, assist in selecting  
10 appropriate covered complex rehabilitation technology items for such  
11 needs and capacities, and provide training in the use of the selected  
12 covered complex rehabilitation technology items;
- 13 (iv) Has the complex rehabilitation technology professional  
14 physically present for the evaluation and determination of the  
15 appropriate individually configured complex rehabilitation technologies  
16 for the complex needs patient;
- 17 (v) Provides service and repairs by qualified technicians for all  
18 complex rehabilitation technology products it sells; and
- 19 (vi) Provides written information to the complex needs patient at  
20 the time of delivery about how the individual may receive service and  
21 repair.

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

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23 On page 1, line 1 of the title, after "products;" strike the  
24 remainder of the title and insert "adding a new section to chapter  
25 74.09 RCW; creating a new section; and providing an effective date."

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