
SECOND SUBSTITUTE HOUSE BILL 1445

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; and creating a new section.

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

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

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

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

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

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

14 (1) The authority shall establish a separate recognition for
15 medically necessary, individually configured, complex rehabilitation
16 technology products and services for complex needs patients with the
17 medical assistance program. The authority shall direct managed care
18 plans to adopt the regulations and policies established for complex

1 rehabilitation technology products. This separate recognition must
2 take into consideration the customized nature of complex rehabilitation
3 technology and the broad range of services necessary to meet the unique
4 medical and functional needs of people with complex medical needs by:

5 (a) Designating appropriate current billing codes as complex
6 rehabilitation technology for services and products covered for complex
7 needs patients;

8 (b) Establishing standards for qualified complex rehabilitation
9 technology suppliers and restrict the authority's purchasing of complex
10 rehabilitation technology to only those companies or entities that meet
11 such standards; and

12 (c) Making changes as needed to protect access to complex
13 rehabilitation technology for people with complex medical needs.

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

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

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

24 (3) As used in this section:

25 (a) "Complex needs patient" means an individual with a diagnosis or
26 medical condition that results in significant physical or functional
27 needs and capacities. The term includes individuals with progressive
28 or degenerative neuromuscular diseases or injuries or trauma which have
29 resulted in significant physical or functional needs and limited
30 capacities, including individuals with spinal cord injury, traumatic
31 brain injury, cerebral palsy, muscular dystrophy, spina bifida,
32 osteogenesis imperfect, arthrogryposis, amyotrophic lateral sclerosis,
33 multiple sclerosis, demyelinating disease, myelopathy, myopathy,
34 progressive muscular atrophy, anterior horn cell disease, post-polio
35 syndrome, cerebellar degeneration, dystonia, Huntington's disease,
36 spinocerebellar disease, and certain types of amputation, paralysis, or
37 paresis that result in significant physical or functional needs and

1 limited capacities. "Complex needs patient" does not negate the
2 requirement that an individual meet medical necessity requirements to
3 qualify for receiving a complex rehabilitation product.

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

7 (A) Are individually configured for individuals to meet their
8 specific and unique medical, physical, and functional needs and
9 capacities for basic activities of daily living and instrumental
10 activities of daily living identified as medically necessary to prevent
11 hospitalization or institutionalization of a complex needs patient;

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

14 (C) Require certain services to allow for appropriate design,
15 configuration, and use of such item, including patient evaluation and
16 equipment fitting and configuration.

17 (ii) "Complex rehabilitation technology" includes highly
18 configurable manual wheelchairs, complex rehabilitation power
19 wheelchairs, adaptive seating and positioning systems, and other
20 specialized equipment such as standing frames and gait trainers.

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

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

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

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

36 (iii) For each site that it operates, employs at least one complex
37 rehabilitation technology professional, who has been certified by the
38 rehabilitation engineering and assistive technology society of North

1 America as an assistive technology professional, to analyze the needs
2 and capacities of complex needs patients, assist in selecting
3 appropriate covered complex rehabilitation technology items for such
4 needs and capacities, and provide training in the use of the selected
5 covered complex rehabilitation technology items;

6 (iv) Has the complex rehabilitation technology professional
7 physically present for the evaluation and determination of the
8 appropriate individually configured complex rehabilitation technologies
9 for the complex needs patient;

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

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

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