

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 SENATE BILL 1609

By: Johnson (Constance)

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6 AS INTRODUCED

7 An Act relating to Medicaid; creating the Complex
8 Needs Patient Act; providing short title; stating
9 Legislative intent; directing the Oklahoma Health
10 Care Authority to provide for certain separate
benefit category; directing certain coverage;
defining terms; providing for codification; and
providing an effective date.

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13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

14 SECTION 1. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 1015.4 of Title 56, unless there
16 is created a duplication in numbering, reads as follows:

17 A. This act shall be known and may be cited as the "Complex
18 Needs Patient Act".

19 B. It is the intent of the Oklahoma Legislature to:

20 1. Protect complex needs patients from potential cuts to
21 Medicaid services;

22 2. Recognize the need for preventive and specialized services
23 among complex needs patients;

1 3. Recognize the need for safeguards in the delivery and
2 provision of complex rehabilitation technologies;

3 4. Allow for additional opportunities within the Medicaid
4 program to extend to the individuals with the greatest needs; and

5 5. Provide supports for complex needs patients to stay in the
6 home setting, prevent institutionalization, and prevent
7 hospitalizations with costly secondary complications.

8 C. The Oklahoma Legislature directs the Oklahoma Health Care
9 Authority to amend the state Medicaid plan to provide a separate
10 benefit category within the state Medicaid program for complex needs
11 patients.

12 D. The Oklahoma Health Care Authority shall provide coverage
13 for individually configured complex rehabilitation technology
14 products and services for complex needs patients. Such coverage
15 shall take into consideration the customized nature of complex
16 rehabilitation technology and the broad range of services necessary
17 to meet the unique medical and functional needs of people with
18 complex medical needs by:

19 1. Identifying current billing codes as complex rehabilitation
20 technology, and as needed, creating new billing codes for services
21 and products covered for complex needs patients;

22 2. Establishing specific supplier standards for companies that
23 provide products for complex needs patients; and
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1 3. Making other changes as needed to protect access to products
2 and services for people with complex medical needs.

3 E. The Oklahoma Health Care Authority shall require complex
4 needs patients receiving complex rehabilitation technologies to be
5 evaluated by:

6 1. A qualified health care professional, including, but not
7 limited to, a physical therapist, occupational therapist, or other
8 health care professional who performs specialty evaluations within
9 his or her scope of practice; and

10 2. A qualified complex rehabilitation technology supplier.

11 F. As used in the Complex Needs Patient Act:

12 1. "Complex needs patient" means an individual with a diagnosis
13 or medical condition that results in significant physical or
14 functional needs and capacities. Such term shall include
15 individuals with progressive or degenerative neuromuscular diseases
16 or injuries or trauma which resulted in significant physical or
17 functional needs and capacities, including, but not limited to,
18 individuals with spinal cord injury, traumatic brain injury,
19 cerebral palsy, muscular dystrophy, spina bifida, osteogenesis
20 imperfecta, arthrogyrosis, amyotrophic lateral sclerosis, multiple
21 sclerosis, demyelinating disease, myelopathy, myopathy, progressive
22 muscular atrophy, anterior horn cell disease, post-polio syndrome,
23 cerebellar degeneration, dystonia, Huntington's disease,
24 spinocerebellar disease, and certain types of amputation, paralysis,

1 or paresis that result in significant physical or functional needs
2 and capacities;

3 2. "Complex rehabilitation technology" means items classified
4 as durable medical equipment that are individually configured for
5 individuals to meet their specific and unique medical, physical, and
6 functional needs and capacities for basic activities of daily living
7 and instrumental activities of daily living identified as medically
8 necessary to prevent hospitalization and/or institutionalization of
9 a complex needs patient. Such items shall include, but not be
10 limited to, complex rehabilitation power wheelchairs, highly
11 configurable manual wheelchairs, adaptive seating and positioning
12 systems, and other specialized equipment such as standing frames and
13 gait trainers;

14 3. "Individually configured" means a device has a combination
15 of features, adjustments, or modifications specific to an individual
16 that a supplier provides by measuring, fitting, programming,
17 adjusting, or adapting the device as appropriate so that the device
18 is consistent with an assessment or evaluation of the individual by
19 a health care professional and consistent with the individual's
20 medical condition, physical and functional needs and capacities,
21 body size, period of need, and intended use; and

22 4. "Qualified complex rehabilitation technology supplier" means
23 a company or entity that:

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- 1 a. is accredited by a recognized accrediting
2 organization,
- 3 b. meets the supplier and quality standards established
4 for durable medical equipment suppliers under the
5 Medicare program,
- 6 c. employs at least one complex rehabilitation technology
7 professional for each location to analyze the needs
8 and capacities of qualified individuals, assist in
9 selecting appropriate covered complex rehabilitation
10 technology items for such needs and capacities, and
11 provide training in the use of the selected covered
12 complex rehabilitation technology items. Such complex
13 rehabilitation technology professional shall be
14 certified by the Rehabilitation Engineering and
15 Assistive Technology Society of North America as an
16 Assistive Technology Professional (ATP),
- 17 d. has the complex rehabilitation technology professional
18 physically present for the evaluation and
19 determination of the appropriate individually
20 configured complex rehabilitation technologies for the
21 qualified individual with complex medical needs, and
- 22 e. provides service and repair by qualified technicians
23 for all complex rehabilitation technology products it
24 sells.

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SECTION 2. This act shall become effective November 1, 2012.

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