

SENATE BILL NO. 450

June 28, 2023, Introduced by Senators IRWIN and DALEY and referred to the Committee on Health Policy.

A bill to amend 1939 PA 280, entitled
"The social welfare act,"
(MCL 400.1 to 400.119b) by adding section 108a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **Sec. 108a. As used in this section and section 108b:**
2 **(a) "Complex needs patient" means an individual with a**
3 **diagnosis of a medical condition that results in significant**
4 **physical impairment or functional limitation. Complex needs patient**
5 **includes, but is not limited to, an individual with spinal cord**

1 injury, traumatic brain injury, cerebral palsy, muscular dystrophy,
2 spina bifida, osteogenesis imperfecta, arthrogyrosis, amyotrophic
3 lateral sclerosis, multiple sclerosis, demyelinating disease,
4 myelopathy, myopathy, progressive muscular atrophy, anterior horn
5 cell disease, post-polio syndrome, cerebellar degeneration,
6 dystonia, Huntington's disease, spinocerebellar disease, and
7 certain types of amputation, paralysis, or paresis that result in
8 significant physical impairment or functional limitation. A complex
9 needs patient must meet medical necessity requirements in order to
10 qualify for receiving complex rehabilitation technology.

11 (b) "Complex rehabilitation technology" means an item
12 classified within the Medicare program as of January 1, 2020 as
13 durable medical equipment that is individually configured for an
14 individual to meet his or her specific and unique medical,
15 physical, and functional needs and capacity for basic activities of
16 daily living and instrumental activities of daily living identified
17 as medically necessary. Complex rehabilitation technology includes,
18 but is not limited to, complex rehabilitation manual and power
19 wheelchairs and options or accessories, adaptive seating and
20 positioning items and options or accessories, and other specialized
21 equipment such as standing frames and gait trainers and options or
22 accessories.

23 (c) "Employee" means an employee as defined in section 3401(c)
24 of the internal revenue code of 1986, 26 USC 3401. Any person from
25 whom an employer is required to withhold for federal income tax
26 purposes is prima facie an employee. Employee does not include a
27 contract employee.

28 (d) "Health care common procedure coding system" or "HCPCS"
29 means the billing codes used by Medicare and overseen by the

1 federal Centers for Medicare and Medicaid Services that are based
2 on the current procedural technology codes developed by the
3 American Medical Association.

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

13 (f) "Qualified complex rehabilitation technology professional"
14 means an individual who is certified as an assistive technology
15 professional by the Rehabilitation Engineering and Assistive
16 Technology Society of North America or as a certified complex
17 rehabilitation technology supplier by the National Registry of
18 Rehabilitation Technology Suppliers, or an individual who is
19 approved by the department, but only if a qualified complex
20 rehabilitation technology supplier is unavailable.

21 (g) "Qualified complex rehabilitation technology supplier"
22 means a company or entity that is or does all of the following or a
23 company or entity approved by the department, but only if a
24 qualified complex rehabilitation technology supplier is
25 unavailable:

26 (i) Is accredited by a recognized accrediting organization as a
27 supplier of complex rehabilitation technology.

28 (ii) Is an enrolled Medicare supplier and meets the supplier
29 and quality standards established for durable medical equipment

1 suppliers, including the standards for complex rehabilitation
2 technology, under the Medicare program.

3 (iii) Has at least 1 employee who is a qualified complex
4 rehabilitation technology professional for each location to do the
5 following:

6 (A) Analyze the needs and capacities of the complex needs
7 patient in consultation with qualified health care professionals.

8 (B) Participate in the selection of appropriate complex
9 rehabilitation technology for the needs and capacities of the
10 complex needs patient.

11 (C) Provide technology-related training in the proper use of
12 the complex rehabilitation technology.

13 (iv) Requires a qualified complex rehabilitation technology
14 professional be physically present for the evaluation and
15 determination of appropriate complex rehabilitation technology.

16 (v) Has the capability to provide service and repair by a
17 qualified technician for all complex rehabilitation technology it
18 sells.

19 (vi) Provides written information at the time of delivery of
20 complex rehabilitation technology regarding how the complex needs
21 patient may receive service and repair.

22 (h) "Qualified health care professional" means a health care
23 professional licensed by the department of licensing and regulatory
24 affairs under article 15 of the public health code, 1978 PA 368,
25 MCL 333.16101 to 333.18838, who has no financial relationship with
26 a qualified complex rehabilitation technology supplier. If a
27 qualified complex rehabilitation technology supplier is owned by a
28 hospital, the health care professional may be employed by the
29 hospital and work in an inpatient or outpatient setting. Qualified

1 health care professional includes, but is not limited to, a
2 licensed physician, a licensed physical therapist, a licensed
3 occupational therapist, or other licensed health care professional
4 who performs specialty evaluations within the professional's scope
5 of practice.

6 Enacting section 1. This amendatory act does not take effect
7 unless Senate Bill No.449 of the 102nd Legislature is enacted into
8 law.