

SENATE BILL No. 518

By Committee on Ways and Means

2-15

1 AN ACT concerning insurance; relating to complex rehabilitation
2 technology; establishing coverage and reimbursement therefor;
3 providing for the formation of a complex rehabilitation technology
4 reimbursement task force; creating the complex rehabilitation
5 technology coverage act; directing the commissioner of insurance to
6 adopt rules and regulations.

7
8 *Be it enacted by the Legislature of the State of Kansas:*

9 Section 1. (a) Sections 1 through 4, and amendments thereto, shall be
10 known and may be cited as the complex rehabilitation technology
11 coverage act.

12 (b) As used in this act:

13 (1) "Act" means the complex rehabilitation technology coverage act.

14 (2) "Commissioner" means the commissioner of insurance.

15 (3) "Complex rehabilitation technology" means items classified
16 within medicare as durable medical equipment that are individually
17 configured for individuals to meet their specific and unique medical,
18 physical and functional needs and capacities for basic and instrumental
19 activities of daily living identified as medically necessary and includes
20 options and accessories related to such items.

21 (4) "Complex rehabilitation technology patient" means an individual
22 with a diagnosis or medical condition that results in significant physical
23 impairment or functional limitation.

24 (5) "Department" means the Kansas insurance department.

25 (6) "Health benefit plan" means the same as defined in K.S.A. 40-
26 4602, and amendments thereto. "Health benefit plan" includes the Kansas
27 plan for medical assistance and the state children's insurance plan, as
28 provided for in K.S.A. 38-2001 et seq., and amendments thereto.

29 (7) "Health insurer" means the same as defined in K.S.A. 40-4602,
30 and amendments thereto.

31 (8) "Individually configured" means having a combination of sizes,
32 features, adjustments or modifications that a qualified complex
33 rehabilitation technology supplier can customize to the specific individual
34 by measuring, fitting, programming, adjusting or adapting as appropriate,
35 so that the device operates in accordance with an assessment or evaluation
36 of the individual by a qualified healthcare professional and corresponds to

1 the individual's medical condition, physical and functional needs and
2 capacities, body size, period of need and intended use.

3 (9) "Qualified complex rehabilitation technology supplier" means a
4 company or entity that:

5 (A) Is accredited by a recognized accrediting organization as a
6 supplier of complex rehabilitation technology;

7 (B) is an enrolled supplier for purposes of medicare reimbursement
8 that meets the supplier and quality standards established for durable
9 medical equipment suppliers, including those for complex rehabilitation
10 technology under medicare;

11 (C) is an employer of at least one qualified complex rehabilitation
12 technology professional to analyze the needs and capacities of the complex
13 rehabilitation technology patient in consultation with qualified healthcare
14 professionals, participate in the selection of appropriate complex
15 rehabilitation technology for such needs and capacities of the complex
16 rehabilitation technology patient and provide training in the proper use of
17 the complex rehabilitation technology;

18 (D) requires a qualified complex rehabilitation technology
19 professional to be physically present for the evaluation and determination
20 of appropriate complex rehabilitation technology for a complex
21 rehabilitation technology patient;

22 (E) has the capability to provide service and repair by qualified
23 technicians for all complex rehabilitation technology that it sells; and

24 (F) provides written information on the complex rehabilitation
25 technology to the complex rehabilitation technology patient at the time of
26 delivery, stating how the complex needs patient may receive service and
27 repair for the complex rehabilitation technology.

28 (10) "Qualified complex rehabilitation technology professional"
29 means an individual who is certified as an assistive technology
30 professional by the rehabilitation engineering and assistive technology
31 society of North America and registered with the national registry of
32 rehabilitation technology suppliers (NRRTS).

33 (11) "Qualified healthcare professional" means any of the following
34 authorized prescribers of complex rehabilitation technology:

35 (A) A person licensed by the state board of healing arts to practice
36 medicine and surgery or osteopathic medicine and surgery;

37 (B) a mid-level practitioner as defined in K.S.A. 65-1626, and
38 amendments thereto;

39 (C) an occupational therapist licensed to practice occupational
40 therapy pursuant to the occupational therapy practice act; or

41 (D) a physical therapist licensed to practice physical therapy pursuant
42 to the physical therapy practice act.

43 Sec. 2. (a) Any health insurer that offers a health benefit plan and any

1 health benefit plan that offers health insurance coverage for complex
2 rehabilitation therapy shall:

3 (1) Not consider the location where the complex rehabilitation
4 technology will be evaluated or used when making a determination of
5 medical necessity; and

6 (2) offer covered persons a prior authorization process that reviews
7 billable codes and provides coverage determinations for complex
8 rehabilitation technology.

9 (b) If a covered individual receives prior authorization stating that the
10 individual's complex rehabilitation technology will be covered under such
11 individual's health benefit plan and the individual remains covered under
12 the policy or contract at the time the complex rehabilitation technology is
13 delivered to the individual, the health insurer shall:

14 (1) Pay 100% of the amount approved in the prior authorization,
15 subject to applicable copayment, coinsurance or deductible requirements
16 as provided in the policy; and

17 (2) be prohibited from seeking payment or reimbursement from the
18 covered person's complex rehabilitation technology supplier or another
19 party involved with the sale or delivery of the complex rehabilitation
20 technology.

21 (c) Any health benefit plan that offers health insurance coverage for
22 complex rehabilitation technology shall not require a prior authorization or
23 medical necessity documentation for repairs of such technology or
24 equipment unless:

25 (1) The cost of the repairs exceeds the cost to replace the complex
26 rehabilitation technology; or

27 (2) the complex rehabilitation technology in need of repair is subject
28 to replacement because the age of the complex rehabilitation technology
29 exceeds or is within one year of the expiration of the recommended
30 lifespan of the complex rehabilitation technology.

31 (d) No managed care organization shall require a participant in the
32 Kansas medical assistance program to obtain and submit a prior
33 authorization or medical necessity documentation for repairing complex
34 rehabilitation technology unless:

35 (1) The cost of the repairs exceeds the cost to replace the complex
36 rehabilitation technology wheelchair; or

37 (2) the complex rehabilitation technology in need of repair is subject
38 to replacement because the age of the complex rehabilitation technology or
39 manual wheelchair exceeds or is within one year of the expiration of the
40 recommended lifespan of the complex rehabilitation technology.

41 Sec. 3. (a) Every health insurer and managed care organization
42 providing state medicaid services under the Kansas program for medical
43 assistance shall provide coverage and reimbursement for travel time,

1 evaluation time and diagnostic time for suppliers of complex rehabilitation
2 technology for any repairs and replacement of parts on covered complex
3 rehabilitation technology equipment provided to those covered by the
4 health insurer or managed care organization.

5 (b) (1) The department shall appoint a task force to determine an
6 appropriate rate of reimbursement. The members of the task force shall
7 include:

8 (A) The commissioner or the commissioner's designee;

9 (B) the director or the director's designee;

10 (C) two representatives from Kansas-based qualified complex
11 rehabilitation technology suppliers;

12 (D) two Kansas-based qualified complex rehabilitation technology
13 professionals;

14 (E) two patients or the patients' representatives; and

15 (F) two representatives of third-party payors.

16 (2) Members of the complex rehabilitation technology task force
17 attending meetings authorized by the task force shall be paid amounts
18 provided in K.S.A. 75-3223(e), and amendments thereto, except that task
19 force members who are employed by a state agency shall be reimbursed by
20 such state agency.

21 Sec. 4. (a) A qualified complex rehabilitation technology wheelchair
22 supplier that provides equipment to a consumer may offer annual
23 preventative maintenance on the complex rehabilitation technology
24 wheelchair according to manufacturer guidelines.

25 (b) All preventative maintenance shall be performed by a qualified
26 technician who is an employee of the qualified complex rehabilitation
27 technology supplier.

28 (c) A health insurer and a managed care organization providing state
29 medicaid services under the Kansas medicaid assistance program shall
30 provide coverage and payment for complex rehabilitation technology
31 preventative maintenance services at least annually, including, but limited
32 to, labor, parts, diagnostic services, evaluations, travel and other related
33 costs.

34 (d) A health insurer and a managed care organization providing state
35 medicaid services under the Kansas medical assistance program shall
36 cover and pay for preventative maintenance services without requiring
37 prior authorization or medical necessity documentation.

38 (e) Documentation of all preventative maintenance services
39 performed by a qualified complex rehabilitation technology supplier
40 pursuant to this section shall be maintained by the qualified supplier.

41 Sec. 5. This act shall take effect and be in force from and after
42 January 1, 2025, and its publication in the statute book.