

AN ACT

relating to medical assistance reimbursement for wheeled mobility systems for recipients of medical assistance.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter B, Chapter 32, Human Resources Code, is amended by adding Section 32.0424 to read as follows:

Sec. 32.0424. REIMBURSEMENT FOR WHEELED MOBILITY SYSTEMS.

(a) In this section:

(1) "Qualified rehabilitation professional" means a person who:

(A) holds a certification as an assistive technology professional or a rehabilitation engineering technologist issued by, and is in good standing with, the Rehabilitation Engineering and Assistive Technology Society of North America, provided that the requirements for that certification are at least as stringent as the requirements in effect on January 1, 2009; or

(B) is otherwise qualified to conduct the professional activities of a person who holds a certification described by Paragraph (A), as determined by rules adopted by the executive commissioner of the Health and Human Services Commission.

(2) "Wheeled mobility system" means an item of durable medical equipment that is a customized powered or manual mobility device or a feature or component of the device, including the

1 following features and components:

- 2 (A) seated positioning components;
- 3 (B) powered or manual seating options;
- 4 (C) specialty driving controls;
- 5 (D) multiple adjustment frame;
- 6 (E) nonstandard performance options; and
- 7 (F) other complex or specialized components.

8 (b) The department may provide medical assistance
9 reimbursement for the provision of, or the performance of a major
10 modification to, a wheeled mobility system only if:

11 (1) the system is delivered to a recipient by a medical
12 assistance provider that is, or directly employs or contracts with,
13 a qualified rehabilitation professional and that professional was
14 present and involved in any clinical assessment of the recipient
15 that is required for obtaining the system; and

16 (2) at the time the wheeled mobility system is
17 delivered to the recipient, the qualified rehabilitation
18 professional:

19 (A) is present for and directs a fitting to
20 ensure that the system is appropriate for the recipient; and

21 (B) verifies that the system functions relative
22 to the recipient.

23 (c) The executive commissioner of the Health and Human
24 Services Commission shall adopt rules specifying:

25 (1) the scope, including any required components, of
26 the fitting and verification of functionality required by
27 Subsection (b);

1 (2) documentation of the fitting and verification of
2 functionality that must be submitted as part of a claim for
3 reimbursement for the provision or modification of a wheeled
4 mobility system; and

5 (3) the appropriate reimbursement methodology for
6 compensating the evaluation and final fitting services provided by
7 qualified rehabilitation professionals involved in the provision
8 or modification of wheeled mobility systems.

9 SECTION 2. Not later than January 1, 2011, the executive
10 commissioner of the Health and Human Services Commission shall
11 adopt the rules required by Subsection (c), Section 32.0424, Human
12 Resources Code, as added by this Act.

13 SECTION 3. The changes in law made by Section 32.0424, Human
14 Resources Code, as added by this Act, apply only to a claim for
15 medical assistance reimbursement made for a wheeled mobility system
16 that is delivered on or after September 1, 2011. A claim for
17 medical assistance reimbursement made for a system that is
18 delivered before that date is governed by the law in effect on the
19 date the system was delivered, and that law is continued in effect
20 for that purpose.

21 SECTION 4. If before implementing any provision of this Act
22 a state agency determines that a waiver or authorization from a
23 federal agency is necessary for implementation of that provision,
24 the agency affected by the provision shall request the waiver or
25 authorization and may delay implementing that provision until the
26 waiver or authorization is granted.

27 SECTION 5. This Act takes effect September 1, 2009.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1804 passed the Senate on May 6, 2009, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 29, 2009, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1804 passed the House, with amendment, on May 27, 2009, by the following vote: Yeas 148, Nays 0, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor