

By: Zaffirini

S.B. No. 1804

A BILL TO BE ENTITLED

1 AN ACT
2 relating to medical assistance reimbursement for the provision of a
3 wheeled mobility system to a recipient of medical assistance.

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

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

7 Sec. 32.0424. REIMBURSEMENT FOR WHEELED MOBILITY SYSTEMS.

8 (a) In this section:

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

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

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

22 (2) "Wheeled mobility system" means an item of durable
23 medical equipment that is a powered or manual mobility system,
24 including:

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

8 (b) The department may provide medical assistance
9 reimbursement for a wheeled mobility system only if:

10 (1) the system is provided to a recipient by a medical
11 assistance provider that is, or directly employs, a qualified
12 rehabilitation professional; and

13 (2) at the time the wheeled mobility system is
14 delivered to the recipient, the qualified rehabilitation
15 professional conducts an evaluation of the system in relation to
16 the recipient.

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

19 (1) the scope, including any required components, of
20 the evaluation required by Subsection (b); and

21 (2) documentation of the evaluation that must be
22 submitted as part of a claim for reimbursement for the provision of
23 a wheeled mobility system.

24 SECTION 2. Not later than January 1, 2011, the executive
25 commissioner of the Health and Human Services Commission shall
26 adopt the rules required by Section 32.0424(b), Human Resources
27 Code, as added by this Act.

1 SECTION 3. The changes in law made by Section 32.0424, Human
2 Resources Code, as added by this Act, apply only to a claim for
3 medical assistance reimbursement made for a wheeled mobility system
4 that is provided on or after September 1, 2011. A claim for medical
5 assistance reimbursement made for a system that is provided before
6 that date is governed by the law in effect on the date the system was
7 provided, and that law is continued in effect for that purpose.

8 SECTION 4. If before implementing any provision of this Act
9 a state agency determines that a waiver or authorization from a
10 federal agency is necessary for implementation of that provision,
11 the agency affected by the provision shall request the waiver or
12 authorization and may delay implementing that provision until the
13 waiver or authorization is granted.

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