

1-1 By: Zaffirini S.B. No. 1804
1-2 (In the Senate - Filed March 11, 2009; March 20, 2009, read
1-3 first time and referred to Committee on Health and Human Services;
1-4 May 1, 2009, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 9, Nays 0; May 1, 2009, sent
1-6 to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1804 By: Shapleigh

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to medical assistance reimbursement for wheeled mobility
1-11 systems for recipients of medical assistance.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subchapter B, Chapter 32, Human Resources Code,
1-14 is amended by adding Section 32.0424 to read as follows:

1-15 Sec. 32.0424. REIMBURSEMENT FOR WHEELED MOBILITY SYSTEMS.

1-16 (a) In this section:

1-17 (1) "Qualified rehabilitation professional" means a
1-18 person who:

1-19 (A) holds a certification as an assistive
1-20 technology professional or a rehabilitation engineering
1-21 technologist issued by, and is in good standing with, the
1-22 Rehabilitation Engineering and Assistive Technology Society of
1-23 North America, provided that the requirements for that
1-24 certification are at least as stringent as the requirements in
1-25 effect on January 1, 2009; or

1-26 (B) is otherwise qualified to conduct the
1-27 professional activities of a person who holds a certification
1-28 described by Paragraph (A), as determined by rules adopted by the
1-29 executive commissioner of the Health and Human Services Commission.

1-30 (2) "Wheeled mobility system" means an item of durable
1-31 medical equipment that is a customized powered or manual mobility
1-32 device or a feature or component of the device, including the
1-33 following features and components:

1-34 (A) seated positioning components;

1-35 (B) powered or manual seating options;

1-36 (C) specialty driving controls;

1-37 (D) multiple adjustment frame;

1-38 (E) nonstandard performance options; and

1-39 (F) other complex or specialized components.

1-40 (b) The department may provide medical assistance
1-41 reimbursement for the provision of, or the performance of a major
1-42 modification to, a wheeled mobility system only if:

1-43 (1) the system is delivered to a recipient by a medical
1-44 assistance provider that is, or directly employs, a qualified
1-45 rehabilitation professional and that professional was present and
1-46 involved in any clinical assessment of the recipient that is
1-47 required for obtaining the system; and

1-48 (2) at the time the wheeled mobility system is
1-49 delivered to the recipient, the qualified rehabilitation
1-50 professional:

1-51 (A) is present for and directs a fitting to
1-52 ensure that the system is appropriate for the recipient; and

1-53 (B) verifies that the system functions relative
1-54 to the recipient.

1-55 (c) The executive commissioner of the Health and Human
1-56 Services Commission shall adopt rules specifying:

1-57 (1) the scope, including any required components, of
1-58 the fitting and verification of functionality required by
1-59 Subsection (b);

1-60 (2) documentation of the fitting and verification of
1-61 functionality that must be submitted as part of a claim for
1-62 reimbursement for the provision or modification of a wheeled
1-63 mobility system; and

2-1 (3) the appropriate reimbursement methodology for
2-2 compensating the evaluation and final fitting services provided by
2-3 qualified rehabilitation professionals involved in the provision
2-4 or modification of wheeled mobility systems.

2-5 SECTION 2. Not later than January 1, 2011, the executive
2-6 commissioner of the Health and Human Services Commission shall
2-7 adopt the rules required by Subsection (c), Section 32.0424, Human
2-8 Resources Code, as added by this Act.

2-9 SECTION 3. The changes in law made by Section 32.0424, Human
2-10 Resources Code, as added by this Act, apply only to a claim for
2-11 medical assistance reimbursement made for a wheeled mobility system
2-12 that is delivered on or after September 1, 2011. A claim for
2-13 medical assistance reimbursement made for a system that is
2-14 delivered before that date is governed by the law in effect on the
2-15 date the system was delivered, and that law is continued in effect
2-16 for that purpose.

2-17 SECTION 4. If before implementing any provision of this Act
2-18 a state agency determines that a waiver or authorization from a
2-19 federal agency is necessary for implementation of that provision,
2-20 the agency affected by the provision shall request the waiver or
2-21 authorization and may delay implementing that provision until the
2-22 waiver or authorization is granted.

2-23 SECTION 5. This Act takes effect September 1, 2009.

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