



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-4970/1
SWB:amn

2019 SENATE BILL 605

December 6, 2019 - Introduced by Senators TESTIN, JOHNSON, MARKLEIN, LARSON, RISSER, L. TAYLOR and WANGGAARD, cosponsored by Representatives THIESFELDT, ANDERSON, SKOWRONSKI, BOWEN, BROOKS, BROSTOFF, CONSIDINE, CROWLEY, DITTRICH, DUCHOW, JAMES, KRUG, MURPHY, NEUBAUER, OHNSTAD, ROHRKASTE, SARGENT, SHANKLAND, SINICKI, SPIROS, STAFSHOLT, STEFFEN, SUBECK, C. TAYLOR, TUSLER, VINING, VRUWINK and WICHGERS. Referred to Committee on Health and Human Services.

1 **AN ACT** *to amend* 49.45 (9r) (a) 2.; and *to create* 49.45 (9r) (d) of the statutes;
2 **relating to:** reimbursement under the Medical Assistance program for
3 complex rehabilitation technology.

Analysis by the Legislative Reference Bureau

This bill modifies the definition of complex rehabilitation technology and requires the Department of Health Services to defer to the determination of a physician regarding the medical necessity of a complex rehabilitation technology item or service and, upon a physician's determination of medical necessity, consider a complex rehabilitation technology item or service for a complex needs patient as medically necessary for purposes of reimbursement under this Medical Assistance program. Under current law, "complex rehabilitation technology" is defined as items classified within Medicare as durable medical equipment that are individually configured for individuals to meet their specific and unique medical, physical, and functional needs and capacities for basic activities of daily living and instrumental activities of daily living that are identified as medically necessary. Under the Medical Assistance program, an item or service must be "medically necessary" in order to be eligible for reimbursement. The bill specifically identifies power seat elevation and power standing components of power wheelchairs as items that are included in the definition of "complex rehabilitation technology." Under the bill, DHS is required to defer to a physician's determination of medical necessity and, when a physician makes such a determination, conclusively find that a complex rehabilitation technology item or service for a complex needs patient is medically necessary for purposes of reimbursement under the Medical Assistance program.

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For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 49.45 (9r) (a) 2. of the statutes is amended to read:

2 49.45 (9r) (a) 2. “Complex rehabilitation technology” means items classified
3 within Medicare as durable medical equipment that are individually configured for
4 individuals to meet their specific and unique medical, physical, and functional needs
5 and capacities for basic activities of daily living and instrumental activities of daily
6 living identified as medically necessary. “Complex rehabilitation technology”
7 includes complex rehabilitation manual and power wheelchairs, adaptive seating
8 and positioning items, and other specialized equipment such as standing frames and
9 gait trainers, power seat elevation or power standing components of power
10 wheelchairs, as well as options and accessories related to any of these items.

11 **SECTION 2.** 49.45 (9r) (d) of the statutes is created to read:

12 49.45 (9r) (d) The department shall defer to the determination of a physician
13 regarding the medical necessity of a complex rehabilitation technology item or
14 service for a complex needs patient and shall find, upon the determination of a
15 physician, that a complex rehabilitation technology item or service for a complex
16 needs patient is medically necessary.

17 **(END)**