



2023 SENATE BILL 434

September 20, 2023 - Introduced by Senators FELZKOWSKI, TESTIN, BALLWEG, COWLES, FEYEN, MARKLEIN, NASS, STAFSHOLT and TAYLOR, cosponsored by Representatives PLUMER, SPIROS, BEHNKE, BRANDTJEN, BROOKS, DONOVAN, EDMING, GOEBEN, MAGNAFICI, MURPHY, NOVAK, O'CONNOR, ROZAR and MURSAU. Referred to Committee on Insurance and Small Business.

1 **AN ACT to amend** 49.45 (9r) (e) (intro.); and **to create** 49.45 (9r) (dm) of the
2 statutes; **relating to:** repair of complex rehabilitation technology under the
3 Medical Assistance program.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Health Services is required to promulgate rules that establish which medical supplies and equipment are covered by Medical Assistance and under what conditions they will be reimbursed. This bill prohibits DHS from requiring a prescription and prior authorization before reimbursing a provider for the repair of complex rehabilitation technology if the complex rehabilitation technology was previously prescribed and reimbursed under Medical Assistance, unless the complex rehabilitation technology is intended for use by an individual who is enrolled in a managed care organization. Under current law, “complex rehabilitation technology” is defined to mean 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 identified as medically necessary. The Medical Assistance program is a joint federal and state program administered by DHS that provides health services to individuals who have limited financial resources.

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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) (dm) of the statutes is created to read:

2 49.45 **(9r)** (dm) The department may not require a prescription or prior
3 authorization to reimburse a provider for the repair of complex rehabilitation
4 technology if the complex rehabilitation technology has been prescribed and
5 reimbursed as provided in this subsection. This paragraph does not apply to the
6 repair of complex rehabilitation technology if the complex rehabilitation technology
7 is intended for use by an individual who is enrolled in a managed care organization.

8 **SECTION 2.** 49.45 (9r) (e) (intro.) of the statutes is amended to read:

9 49.45 **(9r)** (e) (intro.) The Except as provided in par. (dm), the department shall,
10 consistent with this subsection and without imposing any additional requirements
11 or restrictions under this subsection, reimburse a provider for a complex
12 rehabilitation technology with prior authorization when prescribed by a physician,
13 medically necessary, and used by a recipient of Medical Assistance who is a resident
14 of a nursing home if the complex rehabilitation technology will do any of the
15 following:

16 **(END)**