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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 2419

03/08/2016 Authored by Atkins

The bill was read for the first time and referred to the Committee on Health and Human Services Reform

1.1 A bill for an act
1.2 relating to human services; modifying medical assistance reimbursement rates
1.3 for certain services; amending Minnesota Statutes 2014, section 256B.0625,
1.4 subdivision 31a; Minnesota Statutes 2015 Supplement, section 256B.0625,
1.5 subdivision 31.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2015 Supplement, section 256B.0625, subdivision 31,
1.8 is amended to read:

1.9 Subd. 31. **Medical supplies and equipment.** (a) Medical assistance covers medical
1.10 supplies and equipment. Separate payment outside of the facility's payment rate shall
1.11 be made for wheelchairs and wheelchair accessories for recipients who are residents
1.12 of intermediate care facilities for the developmentally disabled. Reimbursement for
1.13 wheelchairs and wheelchair accessories for ICF/DD recipients shall be subject to the same
1.14 conditions and limitations as coverage for recipients who do not reside in institutions. A
1.15 wheelchair purchased outside of the facility's payment rate is the property of the recipient.

1.16 (b) Vendors of durable medical equipment, prosthetics, orthotics, or medical supplies
1.17 must enroll as a Medicare provider.

1.18 (c) When necessary to ensure access to durable medical equipment, prosthetics,
1.19 orthotics, or medical supplies, the commissioner may exempt a vendor from the Medicare
1.20 enrollment requirement if:

1.21 (1) the vendor supplies only one type of durable medical equipment, prosthetic,
1.22 orthotic, or medical supply;

1.23 (2) the vendor serves ten or fewer medical assistance recipients per year;

1.24 (3) the commissioner finds that other vendors are not available to provide same or
1.25 similar durable medical equipment, prosthetics, orthotics, or medical supplies; and

2.1 (4) the vendor complies with all screening requirements in this chapter and Code of
 2.2 Federal Regulations, title 42, part 455. The commissioner may also exempt a vendor from
 2.3 the Medicare enrollment requirement if the vendor is accredited by a Centers for Medicare
 2.4 and Medicaid Services approved national accreditation organization as complying with
 2.5 the Medicare program's supplier and quality standards and the vendor serves primarily
 2.6 pediatric patients.

2.7 (d) Durable medical equipment means a device or equipment that:

2.8 (1) can withstand repeated use;

2.9 (2) is generally not useful in the absence of an illness, injury, or disability; and

2.10 (3) is provided to correct or accommodate a physiological disorder or physical
 2.11 condition or is generally used primarily for a medical purpose.

2.12 (e) Electronic tablets may be considered durable medical equipment if the electronic
 2.13 tablet will be used as an augmentative and alternative communication system as defined
 2.14 under subdivision 31a, paragraph (a). To be covered by medical assistance, the device
 2.15 must be locked in order to prevent use not related to communication.

2.16 (f) Notwithstanding the requirement in paragraph (e) that an electronic tablet must
 2.17 be locked to prevent use not as an augmentative communication device, a recipient of
 2.18 waiver services may use an electronic tablet for a use not related to communication when
 2.19 the recipient has been authorized under the waiver to receive one or more additional
 2.20 applications that can be loaded onto the electronic tablet, such that allowing the additional
 2.21 use prevents the purchase of a separate electronic tablet with waiver funds.

2.22 (g) The medical assistance fee-for-service reimbursement rate for repair or
 2.23 nonroutine service for durable medical equipment is the lesser of:

2.24 (1) the submitted charge; or

2.25 (2) \$23.75 per 15 minutes of service.

2.26 Sec. 2. Minnesota Statutes 2014, section 256B.0625, subdivision 31a, is amended to
 2.27 read:

2.28 Subd. 31a. **Augmentative and alternative communication systems.** (a) Medical
 2.29 assistance covers augmentative and alternative communication systems consisting of
 2.30 electronic or nonelectronic devices and the related components necessary to enable a
 2.31 person with severe expressive communication limitations to produce or transmit messages
 2.32 or symbols in a manner that compensates for that disability.

2.33 (b) Augmentative and alternative communication systems must be paid the lower
 2.34 of the:

2.35 (1) submitted charge; or

- 3.1 (2)(i) manufacturer's suggested retail price minus 20 percent for providers that are
3.2 manufacturers of augmentative and alternative communication systems; or
3.3 (ii) manufacturer's invoice charge plus ~~20~~ 25 percent for providers that are not
3.4 manufacturers of augmentative and alternative communication systems.
3.5 (c) Reimbursement rates established by this purchasing program are not subject to
3.6 Minnesota Rules, part 9505.0445, item S or T.