

110TH CONGRESS  
2D SESSION

# S. 2931

To amend title XVIII of the Social Security Act to exempt complex rehabilitation products and assistive technology products from the Medicare competitive acquisition program.

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## IN THE SENATE OF THE UNITED STATES

APRIL 29, 2008

Ms. SNOWE (for herself, Ms. STABENOW, and Mr. JOHNSON) introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To amend title XVIII of the Social Security Act to exempt complex rehabilitation products and assistive technology products from the Medicare competitive acquisition program.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Medicare Access to  
5       Complex Rehabilitative and Assistive Technology Act of  
6       2008”.

1 **SEC. 2. EXEMPTION OF COMPLEX REHABILITATION AND**  
2 **ASSISTIVE TECHNOLOGY FROM THE MEDI-**  
3 **CARE COMPETITIVE ACQUISITION PROGRAM.**

4 (a) IN GENERAL.—Section 1847(a) of the Social Se-  
5 curity Act (42 U.S.C. 1395w–3(a)) is amended—

6 (1) in paragraph (2)(A), by striking “but ex-  
7 cluding” and all that follows and inserting the fol-  
8 lowing: “but excluding—

9 “(i) class III devices under the Fed-  
10 eral Food, Drug, and Cosmetic Act; and

11 “(ii) complex rehabilitation products  
12 and assistive technology products (de-  
13 scribed in paragraph (7)(A)) that are pre-  
14 scribed by a physician and provided by a  
15 supplier that is accredited by an inde-  
16 pendent accreditation organization des-  
17 ignated under section 1834(a)(20)(B).”;  
18 and

19 (2) by adding at the end the following new  
20 paragraph:

21 “(7) COMPLEX REHABILITATION PRODUCTS  
22 AND ASSISTIVE TECHNOLOGY PRODUCTS DE-  
23 SCRIBED.—

24 “(A) IN GENERAL.—For purposes of para-  
25 graph (2)(A)(ii), complex rehabilitation prod-  
26 ucts and assistive technology products described

1 in this subparagraph are medically necessary  
2 adaptive seating, positioning, and mobility de-  
3 vices and speech generating devices that are  
4 evaluated, fitted, configured, adjusted, or pro-  
5 grammed to meet the specific and unique needs  
6 of an individual with a primary diagnosis re-  
7 sulting from injury or trauma or which is neu-  
8 romuscular in nature. Such a primary diagnosis  
9 includes spinal cord injury, traumatic brain in-  
10 jury, cerebral palsy, muscular dystrophy, spinal  
11 muscular atrophy, spina bifida, amyotrophic lat-  
12 eral sclerosis, multiple sclerosis, Parkinson's  
13 disease, or any other disease or disability identi-  
14 fied by the Secretary as requiring the use of  
15 such devices.

16 “(B) ESTABLISHMENT OF MEDICAL NE-  
17 CESSITY.—For purposes of subparagraph (A),  
18 in establishing medical necessity of a device de-  
19 scribed in such subparagraph for the treatment  
20 of an individual, the Secretary shall consider  
21 whether the device is expected to be necessary  
22 for such treatment taking into account the di-  
23 agnosis, prognosis, and functional need of the  
24 individual and the expected progression of the  
25 disease or disability involved.”

1       (b) **EFFECTIVE DATE.**—The amendments made by  
2 subsection (a) shall be effective as if included in the enact-  
3 ment of the Medicare Prescription Drug, Improvement,  
4 and Modernization Act of 2003 (Public Law 108–173).

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