

109TH CONGRESS  
2D SESSION

# H. R. 4994

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 HOUSE OF REPRESENTATIVES

MARCH 16, 2006

Mr. LEWIS of Kentucky introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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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 Rehabilitation and Assistive Technology Act of  
6 2006”.

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)—

7 (A) by striking “but excluding” and all  
8 that follows through “Cosmetic Act.” and in-  
9 serting “but excluding—”; and

10 (B) by adding at the end the following new  
11 clauses:

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

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

22 (2) by adding at the end the following new  
23 paragraph:

24 “(7) COMPLEX REHABILITATION PRODUCTS  
25 AND ASSISTIVE TECHNOLOGY PRODUCTS DE-  
26 SCRIBED.—

“(A) IN GENERAL.—For purposes of paragraph (2)(A)(ii), complex rehabilitation products and assistive technology products described in this subparagraph are medically necessary adaptive seating, positioning, and mobility devices and speech generating devices that are evaluated, fitted, configured, adjusted, or programmed to meet the specific and unique needs of an individual with a primary diagnosis resulting from injury or trauma or which is neuromuscular in nature. Such a primary diagnosis includes spinal cord injury, traumatic brain injury, cerebral palsy, muscular dystrophy, spinal muscular atrophy, spina bifida, amyotrophic lateral sclerosis, multiple sclerosis, or any other disease or disability identified by the Secretary as requiring the use of such devices.

“(B) ESTABLISHMENT OF MEDICAL NECESSITY.—For purposes of subparagraph (A), in establishing medical necessity of a device described in such subparagraph for the treatment of an individual, the Secretary shall consider whether the device is expected to be necessary for such treatment taking into account the diagnosis, prognosis, and functional need of the

1 individual and the expected progression of the  
2 disease or disability involved.”.

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

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