

A bill for an act

relating to human services; modifying coverage and payment rates for rehabilitative services and medical supplies and equipment; amending Minnesota Statutes 2008, sections 256B.04, subdivision 14; 256B.0625, subdivisions 8, 8a, 8b, 31, by adding a subdivision; Minnesota Statutes 2009 Supplement, section 256B.0653, subdivision 5.

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

Section 1. Minnesota Statutes 2008, section 256B.04, subdivision 14, is amended to read:

Subd. 14. **Competitive bidding.** (a) When determined to be effective, economical, and feasible, the commissioner may utilize volume purchase through competitive bidding and negotiation under the provisions of chapter 16C, to provide items under the medical assistance program including but not limited to the following:

(1) eyeglasses;

(2) oxygen. The commissioner shall provide for oxygen needed in an emergency situation on a short-term basis, until the vendor can obtain the necessary supply from the contract dealer;

(3) hearing aids and supplies; ~~and~~

(4) durable medical equipment, including but not limited to:

(i) hospital beds;

(ii) commodes;

(iii) glide-about chairs;

(iv) patient lift apparatus;

(v) wheelchairs and accessories;

(vi) oxygen administration equipment;

(vii) respiratory therapy equipment;
(viii) electronic diagnostic, therapeutic and life-support systems;
(5) nonemergency medical transportation level of need determinations, disbursement of public transportation passes and tokens, and volunteer and recipient mileage and parking reimbursements; ~~and~~
(6) drugs; and
(7) medical supplies.

(b) Rate changes under this chapter and chapters 256D and 256L do not affect contract payments under this subdivision unless specifically identified.

(c) The commissioner may not utilize volume purchase through competitive bidding and negotiation for special transportation services under the provisions of chapter 16C.

Sec. 2. Minnesota Statutes 2008, section 256B.0625, subdivision 8, is amended to read:

Subd. 8. **Physical therapy.** Medical assistance covers physical therapy and related services, ~~including specialized maintenance therapy.~~ Authorization by the commissioner is required to provide services to a recipient beyond any of the following onetime service thresholds: (1) 80 units of any approved CPT code other than modalities; (2) 20 modality sessions; and (3) three evaluations or re-evaluations. Services provided by a physical therapy assistant shall be reimbursed at the same rate as services performed by a physical therapist when the services of the physical therapy assistant are provided under the direction of a physical therapist who is on the premises. Services provided by a physical therapy assistant that are provided under the direction of a physical therapist who is not on the premises shall be reimbursed at 65 percent of the physical therapist rate.

Sec. 3. Minnesota Statutes 2008, section 256B.0625, subdivision 8a, is amended to read:

Subd. 8a. **Occupational therapy.** Medical assistance covers occupational therapy and related services, ~~including specialized maintenance therapy.~~ Authorization by the commissioner is required to provide services to a recipient beyond any of the following onetime service thresholds: (1) 120 units of any combination of approved CPT codes; and (2) two evaluations or re-evaluations. Services provided by an occupational therapy assistant shall be reimbursed at the same rate as services performed by an occupational therapist when the services of the occupational therapy assistant are provided under the direction of the occupational therapist who is on the premises. Services provided by an occupational therapy assistant that are provided under the direction of an occupational

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3.1 therapist who is not on the premises shall be reimbursed at 65 percent of the occupational
3.2 therapist rate.

3.3 Sec. 4. Minnesota Statutes 2008, section 256B.0625, subdivision 8b, is amended to
3.4 read:

3.5 Subd. 8b. **Speech language pathology and audiology services.** Medical assistance
3.6 covers speech language pathology and related services, ~~including specialized maintenance~~
3.7 ~~therapy.~~ Authorization by the commissioner is required to provide services to a recipient
3.8 beyond any of the following onetime service thresholds: (1) 50 treatment sessions with
3.9 any combination of approved CPT codes; and (2) one evaluation. Medical assistance
3.10 covers audiology services and related services. Services provided by a person who has
3.11 been issued a temporary registration under section 148.5161 shall be reimbursed at the
3.12 same rate as services performed by a speech language pathologist or audiologist as long as
3.13 the requirements of section 148.5161, subdivision 3, are met.

3.14 Sec. 5. Minnesota Statutes 2008, section 256B.0625, is amended by adding a
3.15 subdivision to read:

3.16 Subd. 8d. **Chiropractic services.** Payment for chiropractic services is limited to
3.17 one annual evaluation and 12 visits per year unless prior authorization of a greater number
3.18 of visits is obtained.

3.19 Sec. 6. Minnesota Statutes 2008, section 256B.0625, subdivision 31, is amended to
3.20 read:

3.21 Subd. 31. **Medical supplies and equipment.** Medical assistance covers medical
3.22 supplies and equipment. Separate payment outside of the facility's payment rate shall
3.23 be made for wheelchairs and wheelchair accessories for recipients who are residents
3.24 of intermediate care facilities for the developmentally disabled. Reimbursement for
3.25 wheelchairs and wheelchair accessories for ICF/MR recipients shall be subject to the same
3.26 conditions and limitations as coverage for recipients who do not reside in institutions. A
3.27 wheelchair purchased outside of the facility's payment rate is the property of the recipient.
3.28 The commissioner may set reimbursement rates for specified categories of medical
3.29 supplies at levels below the Medicare payment rate.

3.30 Sec. 7. Minnesota Statutes 2009 Supplement, section 256B.0653, subdivision 5,
3.31 is amended to read:

Subd. 5. **Home care therapies.** (a) Home care therapies include the following: physical therapy, occupational therapy, respiratory therapy, and speech and language pathology therapy services.

(b) Home care therapies must be:

(1) provided in the recipient's residence after it has been determined the recipient is unable to access outpatient therapy;

(2) prescribed, ordered, or referred by a physician and documented in a plan of care and reviewed, according to Minnesota Rules, part 9505.0390;

(3) assessed by an appropriate therapist; and

(4) provided by a Medicare-certified home health agency enrolled as a Medicaid provider agency.

(c) Restorative ~~and specialized maintenance~~ therapies must be provided according to Minnesota Rules, part 9505.0390. Physical and occupational therapy assistants may be used as allowed under Minnesota Rules, part 9505.0390, subpart 1, item B.

(d) For both physical and occupational therapies, the therapist and the therapist's assistant may not both bill for services provided to a recipient on the same day.