

## Department of Social Services

### Notice of Intent to Adopt Regulations – Updated March 18, 2014

#### Regulation # 13-01 – Customized Wheelchairs

In accordance with section 4-168(a) of the Connecticut General Statutes, as amended, the Department of Social Services (the “Department”) gives notice that pursuant to the authority of sections 17b-3 and 17b-262 of the Connecticut General Statutes and section 17b-278i of the 2014 supplement to the Connecticut General Statutes, it intends to amend the Regulations of Connecticut State Agencies by: (1) adopting new sections 17b-262-1019 to 17b-262-1039, inclusive, of the Regulations of Connecticut State Agencies, which set forth requirements for payment for customized wheelchairs for Medicaid members; (2) amending sections 17b-262-303, 17b-262-673, 17b-262-676, 17b-262-680, 17b-262-682 and 17b-262-705 of the Regulations of Connecticut State Agencies; and (3) repealing section 17-134d-46 of the Regulations of Connecticut State Agencies.

The Department no longer plans to implement and operate under these policies and procedures pending adoption of the regulations. Instead, the Department plans to implement these regulations only after they are fully adopted in accordance with the regulation making process set forth in chapter 54 of the Connecticut General Statutes.

**Statement of Purpose:** The purpose of the regulation is to: (1) Update and clarify rules for customized wheelchairs for Medicaid members living in a nursing facility or intermediate care facility for individuals with intellectual disabilities (ICF/IID); (2) establish and clarify such rules for members who live at home; and (3) require that refurbished customized wheelchairs and other designated equipment and devices, including parts and components, are used whenever practicable.

**(A) The problems, issues or circumstances that the regulation proposes to address:** Section 17b-278i of the Connecticut General Statutes, as amended by section 85 of Public Act 13-234, requires the Department to ensure that: (1) Customized wheelchairs are only provided when a standard wheelchair cannot meet the member’s medical needs and (2) refurbished customized wheelchair parts and components and other designated equipment and devices are used whenever practicable. This regulation is also necessary to adapt to changes in policy, technology and clinical practice, including increased varieties of wheelchairs, seating, positional and other components; greater clinical experience with members who use or may need customized wheelchairs; and improved methods to refurbish customized wheelchairs, other durable medical equipment (DME) and their parts and components.

**(B) The main provisions of the regulation:** (1) Describe standards to determine if a member may be eligible for a customized wheelchair; (2) describe the nursing facility or ICF/IID’s responsibilities, which include: (i) identifying members who may need a customized wheelchair, (ii) selecting and convening an interdisciplinary team to assess a member for a customized wheelchair, (iii) if the interdisciplinary team recommends a customized wheelchair, arranging for a DME provider to conduct any additional necessary evaluations and request prior authorization

for the customized wheelchair, (iv) training the facility's staff in the member's use of the customized wheelchair and (v) developing and implementing a monitoring program for the member's use of the customized wheelchair; (3) establish and clarify requirements for customized wheelchairs for members who live at home; (4) establish requirements for customized wheelchairs for members who live in a facility but will soon be discharged home; (5) describe prior authorization requirements; (6) consolidate and update billing and reimbursement requirements, including requiring refurbished customized wheelchairs to be used whenever practicable. In order to implement that requirement, customized wheelchairs are now the Department's property after delivery, provided that a member may continue to use a customized wheelchair for as long as it is medically necessary; (7) establish and clarify requirements for repairs, modifications and additions to customized wheelchairs; (8) update documentation requirements; and (9) amend the DME regulations to require refurbished designated devices or equipment to be used whenever practicable. In order to implement that requirement, such devices or equipment are now the Department's property after delivery, provided that a member may continue to use the equipment or device for as long as it is medically necessary.

**(C) The legal effects of the regulation, including all of the ways that the regulation would change existing regulations or other laws:** This regulation replaces and repeals the previous customized wheelchair regulation in section 17-134d-46 of the Regulations of Connecticut State Agencies. This regulation consolidates requirements for customized wheelchairs and amends the existing DME regulations accordingly, in addition to other amendments described in (B) above. This regulation also updates cross-references to the customized wheelchair regulations in the existing ICF/IID, nursing facility and DME regulations, in addition to other technical changes.

### **Obtaining a Copy of the Proposed Regulation**

A copy of the complete text of this regulation is available, at no cost, upon request from the Office of Legal Counsel, Regulations and Administrative Hearings, Department of Social Services, 25 Sigourney Street, Hartford, Connecticut 06106; email: [joel.norwood@ct.gov](mailto:joel.norwood@ct.gov). A copy of the complete text of this regulation is also available online at <http://www.ct.gov/dss>; select "Publications," then select "Policies and Regulations," then select "Notices of Intent, Operational Policies, and Proposed Regulations," then select "Requirements for Payment for Customized Wheelchairs.

### **Public Hearing for the Proposed Regulation**

In addition to submitting written comments in accordance with the procedures described below, all interested persons who wish to present their views, questions, or concerns regarding these regulations may also do so at a public hearing that will be held at a date and time to be determined. This notice will be updated when that public hearing is scheduled.

An informal discussion session about the regulation is scheduled for Monday, March 31, 2014, from 10:00 a.m. to 12:00 Noon at the Department of Transportation, 2800 Berlin Turnpike, Newington, CT 06111, Conference Rooms A and B.

### **Procedure for Submitting Comments on the Proposed Regulation**

All written comments regarding these regulations must be submitted within thirty days of the initial publication of this notice in the Connecticut Law Journal on February 11, 2014 to the Department of Social Services, Office of Legal Counsel, Regulations and Administrative Hearings, 25 Sigourney Street, Hartford, Connecticut, 06106, Attention: Brenda Parrella, Director, or via email: [brenda.parrella@ct.gov](mailto:brenda.parrella@ct.gov). When submitting correspondence, please reference “Regulation Number 13-01/BF – Customized Wheelchairs.”