



March 22, 2022

Representative Susan Lontine, Chair
House Health & Insurance Committee
200 E Colfax
RM 307
Denver, CO 80203

Submitted electronically at <https://leg.colorado.gov/testimony>

Re: Opposition to HB22-1290 Unless Amended – Changes to Medicaid for Repairs to Complex Rehabilitation Technology

Chair Lontine and Committee Members,

The following comments are submitted on behalf of the National Coalition for Assistive and Rehab Technology (NCART) in OPPOSITION to HB22-1290 unless a needed amendment is made.

We respectfully but strongly request that the House Health & Insurance Committee not allow House bill HB22-1290 to move forward unless an amendment is made to remove the language regarding assessing fines to Complex Rehabilitation Technology suppliers. Retaining this language is counter-productive to the need to encourage current suppliers to continue to provide repairs and services to this important equipment used by people with disabilities. It will also discourage any new entrants to the market.

As background, NCART is a national association of suppliers and manufacturers of Complex Rehabilitation Technology (CRT) with members operating over 780 accredited Medicare/Medicaid supplier locations across the country. Our members collectively provide specialized CRT products and related supporting services to hundreds of thousands of children and adults with disabilities in their local communities. NCART focuses on education and advocacy to ensure that people with significant disabilities such as ALS, spinal cord injury, cerebral palsy, multiple sclerosis, muscular dystrophy, and traumatic brain injury have adequate access to the medically necessary CRT equipment and supporting services they require and depend on.

We appreciate the leadership of Representatives Titone and Ortiz in introducing this legislation to address changes needed to provide more timely access to quality wheelchair repairs for people with disabilities. However, while we are supportive of the provisions regarding (a) removal of a prior authorization requirement and (b) development of repair metrics through a stakeholder process, we do not agree with the implementation of a “supplier fine system”. This supplier fine provision will only make the current access issues worse.

There are indeed many barriers for users of CRT power wheelchairs in accessing timely repairs and services for their equipment. Many of these challenges stem from the poor policies and insufficient

payment rates of federal, state, and commercial insurance plans that are estimated to fund over 90% of these services. The problems contributing to lack of access issues include inadequate labor-hour payment rates, lack of reimbursement for total actual hours worked, lack of payment for “travel time”, inadequate reimbursement amounts for the parts supplied, unrealistic prior approval requirements, and excessive documentation requirements. As a result of all these issues, there are fewer and fewer companies providing wheelchair repairs in their communities.

The business dynamics of providing repairs and services for CRT wheelchairs are extremely difficult for CRT providers. They must have: 1.) fully trained technicians with electronics expertise; 2.) sufficient parts inventory that must be regularly maintained; 3.) the required billing personnel to manage the documentation, approval, and funding processes; 4.) the ability to respond in a timely manner to a variety of situations, many times in large geographic areas; and 5.) the ability to operate with insufficient payment rates. These operating costs and investments are significant and must be absorbed in an environment of inadequate coverage and payment.

The establishment of any supplier fine system will only risk driving the limited number of current CRT repair suppliers out of the market and will discourage any new companies from considering to start providing repair services within their communities.

Thank you for the opportunity to provide our comments and strong request that HB22-1290 not be moved forward by the Committee unless an amendment is made to remove the language regarding the assessments of fines on qualified Complex Rehabilitation Technology suppliers.

NCART and our members have a sincere desire to collaborate with the State to produce the best outcomes for the people of Colorado with disabilities. We are happy to provide additional information or discussion as needed.

Sincerely,



Donald E. Clayback

Executive Director | NCART

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House Health & Insurance
 03/22/2022 Upon Adjournment
 HB22-1290 Changes To Medicaid For Wheelchair Repairs
 Typed Text of Testimony Submitted

Name, Position, Representing	Typed Text of Testimony
Sharon Sena For Self	<p data-bbox="565 373 1133 447">PLEASE VOTE YES FOR HB22-1290 Changes To Medicaid For Wheelchair Repairs</p> <p data-bbox="565 489 1455 636">This bill will allow complex rehabilitation technology (CRT). – Powered Wheelchair - suppliers and professionals to no longer go through the lengthy process of getting a Prior Authorization (PAR) through the Medicaid agency to order parts and repair powered wheelchairs.</p> <p data-bbox="565 678 1442 783">As an intern at CCDC, a non-profit advocacy agency supporting Colorado citizens with disabilities, I've learned how frustrating it is for wheelchair users to wait to get repairs completed.</p> <p data-bbox="565 825 1458 930">Think about how you get around daily. Now imagine having to do so in a wheelchair. What if that wheelchair is broken? How long could YOU wait to get it fixed?</p> <p data-bbox="565 972 1430 1077">Too often consumers are waiting months for a CRT supplier to get the ok to fix their chair, only to wait more months for the parts and actual repair.</p> <p data-bbox="565 1119 1419 1192">This bill will eliminate the PAR process and get people back to living their life. Please vote YES!!</p>



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Opposition for Colorado House Bill 22-1290, “Concerning Changes to Medicaid to Allow for Expedited Repairs to Complex Rehabilitation Technology”

National Seating & Mobility (NSM) is North America’s most experienced provider of Complex Rehab Technology (CRT). CRT products are a specialized subset of technology classified within the Durable Medical Equipment (DME) category. These items include medically necessary and individually configured manual and power wheelchairs, seating and positioning systems, and other adaptive equipment such as bathing equipment, standing devices, and gait trainers. Since our founding in 1992, we have grown to a nationwide network of respected professionals and dedicated specialists. NSM provides services in Colorado via our locations in Denver and Grand Junction, branches in New Mexico and Utah help to serve rural clients.

We are unable to support HB22-1290 due to financial penalty language.

*State Department shall report on the metrics developed and hold suppliers accountable. **State Department may assess fines for violations of the repair metrics.***

We wish to work with the State Department to establish alternative accountability measures. Financial penalties will not only have a negative impact on existing providers and their ability to continue performing repairs but may also prevent new suppliers from entering the marketplace.

- We agree there needs to be improvement for repairs of complex equipment, however implementing financial penalties would only add to the current problems which are driven by: inflation, extremely competitive job markets leading to a drastically smaller pool of technician candidates, and low reimbursement for repairs.
- Providers already lose money on repairs, the current bill language aimed at creating accountability by assessing fines is too broad in scope. The yet to be determined timeframes and other metrics may or may not be something within the provider’s span of control.
- To our knowledge there is not currently a mechanism in place to allow for the State Department to assess and collect fines from a provider, therefore use of fines as tool to enforce adherence to future metrics will increase the administrative burden and cost to the State Department.

We propose the following solutions:

- Enact a workgroup of consumers and providers to identify the problematic areas and workable solutions that can be put in place to improve timeframes and outcomes for service to complex equipment.
- Tie the requests for more timely repairs to existing provider safeguards. Creating a mechanism to hold providers accountable would likely come organically from establishment of the metrics as outlined in the proposed bill language.
- This bill, without the financial penalty language, is a great first step to improving the repair experience for Coloradans with disabilities.

We are encouraged that CRT repairs are being examined and that solutions for easing the current and cumbersome process have been proposed. **Let’s create accountability and do it in a way that’s able to be implemented by all parties.** NSM does support the removal of the prior authorization requirement for CRT repairs, and we welcome the collaboration to define supplier metrics and establishing provider accountability.

Thank you for the opportunity to provide comments. We have a sincere desire to collaborate with the State Department and Consumer Groups to work towards a solution that improves the repair process for Coloradans with disabilities.

Sincerely,

A handwritten signature in black ink that reads "Tonya Hammatt". The signature is written in a cursive, flowing style.

Tonya Hammatt
VP Payer Relations
925-266-7709
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March 22, 2022

Representative Susan Lontine, Chair
House Health & Insurance Committee
HCR 0112
200 E Colfax Avenue
Denver, CO 80203
Submitted electronically at <https://leg.colorado.gov/testimony>

Re: HB22-1290 “Changes to Medicaid for Wheelchair Repairs”

Chair Lontine and Committee Members,

The following comments are submitted on behalf of Numotion, a national Complex Rehab Technology (CRT) provider serving the state of Colorado from four locations. We respectfully request the Health & Insurance Committee not allow HB22-1290 to move forward as it contains language to impose fines on CRT providers. This will further decrease the limited number of companies providing wheelchair repairs, making it even more difficult for people with disabilities to access timely service and repairs.

CRT providers employ certified Assistive Technology Professionals (ATPs) and highly skilled technicians and supply individually configured mobility products and services, including manual and power wheelchairs and other adaptive technologies. The provision of CRT including service and repair is very labor intensive. When a repair is needed there are several steps in the process: In many cases, the technician travels to the client’s home to troubleshoot and diagnosis the issue. For most payers to authorize the repair, providers are then required to submit medical documentation with an outline of the part(s) and labor anticipated from that assessment. Once the payer approves the repair, an order is placed with the manufacturer and an anticipated repair date is scheduled. If there are no delays in receiving the part(s), the technician travels to the client and performs the repair. It is important to note, that providers are only compensated for the replacement part and actual labor for the assembly/repair of the equipment, in 15-minute increments. The multiple trips, including travel time and expenses, to and from, are not compensated.

There are many barriers that wheelchair repairs being done in a timely fashion, and this leaves wheelchair users waiting weeks and often months for their repairs to be completed. The impact of the PHE and supply chain issues have exacerbated these delays. We recognize this is unacceptable and reached out to Rep. Titone. Our goal was to bring industry stakeholders together, identify issues, and collaboratively develop legislative language to improve CRT service and repair outcomes. This included:

- 1) Shortage of CRT service and repair providers
- 2) Unnecessary payer prior authorization requirements for repairs
- 3) Provider’s inability to stock volume inventory of parts required; Need for expedited shipping
- 4) Consider offering an Initial supply kit provided at set up
- 5) Needed compensation for trip charges
- 6) Improvements to labor compensation

Over the years, the number of CRT providers have declined nationwide. Many of those who remain, no longer offer service and repairs. Numotion performs thousands of repairs in Colorado. Many of these (roughly 25 -33%) are from individuals who did not receive their wheelchair from Numotion. The fact that some companies are willing to sell a CRT wheelchair but are unwilling to repair it contributes to the lack of timely repairs. At Numotion we are committed to servicing what we sell and to helping other wheelchair users in our communities. But the small number of other companies doing repairs taps our staffing resources and capacity to service customers timely.

As mentioned, CRT providers are not properly compensated and lose money when performing repairs. HB22-1290 includes language that would further penalize CRT providers with fines as service and repair metrics cannot be met. This is counter intuitive and will only force more providers to exit the market, resulting in longer service and repair delays and access issues.

We agree there needs to be accountability for all those involved in the process. We have offered alternative language to address that. However, this has not been accepted as an amendment at this time.

Thank you for the opportunity to provide our comments and strongly request that HB22-1290 not be moved forward by the committee. Our hope would be the committee and the sponsor consider amending the fine language out of the bill. Numotion and our industry partners have a sincere desire to collaborate with the State to produce the best outcomes for the people of Colorado with disabilities. We are happy to provide addition information or discussion as needed.

Sincerely,

Ted Malkowski
Director of Medicaid Affairs
Numotion