



***Via Electronic Submission***

September 12, 2011

Donald Berwick, MD  
Administrator, Centers for Medicare and Medicaid Services  
U.S. Department of Health and Human Services  
Room 445-G, Hubert H. Humphrey Building  
200 Independence Avenue, SW  
Washington, DC 20201

**Re: Medicaid Program; Face-to-Face Requirements for Home Health Services; Policy Changes and Clarifications Related to Home Health [CMS-2348-P]<sup>1</sup>**

Dear Administrator Berwick:

The American Association for Homecare (AAHomecare) submits these comments in response to the Centers for Medicare and Medicaid Services' (CMS') request for comments on the above captioned proposed rule. Specifically, CMS is implementing the provisions of §6407(b) of the Patient Protection and Affordable Care Act of 2010 (ACA), which requires as a condition for payment that a face-to-face encounter between a Medicaid recipient and his/her physician or qualified practitioner precede an order for durable medical equipment (DME).<sup>2</sup> The proposed rule would also implement standard definitions for "medical equipment" and medical supplies under the Medicaid program.

AAHomecare is the national association representing the interests of DME providers. AAHomecare members include a cross section of manufacturers and suppliers that make or furnish DMEPOS items that Medicare beneficiaries use in their homes. Our members are proud to be part of the continuum of care that assures that Medicare beneficiaries receive cost effective, safe and reliable home care products and services.

AAHomecare supports CMS' effort to streamline and standardize requirements for DME across the Medicare and Medicaid program, especially as they may apply to dual eligible beneficiaries. Consequently, we support CMS' decision to apply the face-to-face encounter rules for medical equipment furnished to Medicaid recipients to the same extent and for the same equipment as would be required under the Medicare program. AAHomecare likewise supports CMS' decision to standardize the definition for "medical equipment" under the Medicaid program so that it is consistent with the

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<sup>1</sup> 76 Fed. Reg. 41032 (July 12, 2011).

<sup>2</sup> Section 6407(a) of the ACA imposes the face-to-face requirement on Medicare beneficiaries as a condition of payment for DME and home healthcare services. CMS implemented the requirements of §6407(a) for home health agencies last year, but has not yet implemented the requirement for DME.

Medicare definition of “DME.”<sup>3</sup> We encourage CMS to continue to promote greater consistency between the two programs in order to increase access and reduce the costs of administering the programs.

AAHomecare also fully understands that Congress mandated the Agency to implement §6407. However, given the number and types of medical equipment and the many conditions for which it might be prescribed, the implementation of §6407 has the potential to create significant challenges for CMS, beneficiaries, and DME providers alike. We submit the recommendations below with the intention of helping CMS develop and implement regulations that are appropriately targeted and do not impose duplicative documentation requirements that can result in delayed service to beneficiaries.

## **I. COMMENTS**

### **A. Requirements for a Face-to-Face Encounter**

As we noted above, AAHomecare supports CMS’ proposal to apply the same face-to-face encounter requirements for DME under the Medicaid program as would apply to the same types of equipment under Medicare. However, CMS had not issued a rule to implement the requirements of §6407 to DME items furnished to Medicare beneficiaries as of the date we filed these comments. We request that CMS clarify that the proposed rule, if finalized, will not apply to medical equipment under the Medicaid program until CMS has issued a final Medicare “face-to-face” rule. With this in mind, our comments below apply equally to DME items furnished under either the Medicare or the Medicaid programs.

Importantly, AAHomecare is confident that the overwhelming majority of orders for medical equipment are already made in an appropriate medical context. By this we mean that DME typically is ordered as part of a beneficiary’s routine medical care consistent with coverage determinations issued by CMS and its contractors or the State Medicaid program overseeing this benefit. Consequently, it would be unnecessary for CMS to create, or require a state to create, new in-person evaluation or documentation requirements for many categories of medical equipment. Likewise, when medical equipment is ordered on discharge from an inpatient stay, it would be unnecessary for CMS to impose additional face-to-face physician visit or documentation requirements because the beneficiary’s need for equipment would have been evaluated during the stay.

#### **1. Types of DME Subject to a Face-to-Face Encounter**

In determining what types of medical equipment should require a face-to-face encounter as a condition of payment under State Medicaid programs, CMS plans to refer states to the list of equipment that requires a face-to-face encounter as a condition of Medicare payment. As stated above, AAHomecare agrees with this approach because it standardizes the medical equipment benefit under the two programs. In an effort to highlight how this goal might be best accomplished, we suggest that CMS look first to its Medicare national and local coverage determinations (NCDs and LCDs respectively) to determine what DME items require an in-person physician visit.

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<sup>3</sup> In these comments we use the two terms interchangeably.

Many coverage policies already identify the need for a beneficiary to see his or her physician at specific intervals in order to qualify for Medicare coverage. Generally, these devices tend to be more complex and are used in the treatment of patients with chronic or progressive diseases. Coverage determinations for these devices were developed with input from clinicians with experience in the patient populations who use them. Given the expertise involved in establishing the coverage policies, CMS should adhere to them rather than expand the face-to-face requirements to more routine types of DME such as canes, walkers and commodes.

Moreover, many state Medicaid programs employ very similar coverage requirements for more complex medical equipment. Adopting existing coverage criteria to determine what equipment should be subject to an in-person visit requirement would streamline states' administrative burden to implement the new rules. Finally, we also recommend that CMS not require beneficiaries who need supplies, refills, repairs or service of their equipment to have follow-up face-to-face physician visits.

## **2. Physicians and Practitioners Who May Perform the Face-to-Face Encounter**

The proposed rule identifies categories of physicians and practitioners who may perform the face-to-face evaluation. Our comments in this area are informed by our understanding of the diversity and complexity of the many types of equipment and what are often the individualized needs of the patients who use them. Consequently, it can be difficult to apply a "one size fits all" approach to implementing the in-person evaluation requirement to different types of DME.

We understand that §6407 identifies who may perform and/or document the face-to-face encounter. In general, the physicians and practitioners identified in the statute are generalist who may not have the necessary training or experience required to prescribe more specialized and complex DME. For example, the LCD for power mobility devices (PMDs) allows the physician who orders the PMD to refer the patient to a licensed/certified medical professional, such as a physical therapist (PT) or occupational therapist (OT), who has experience and training in mobility evaluations to perform part of the face-to-face examination. In this example, the specialized clinician has the expertise to assess the patient's clinical needs for a PMD whereas the physician does not. Although PTs and OTs are not among the practitioners identified under §6407, it makes sense to allow doctors to continue to rely on their clinical findings when they evaluate a patient's need for a PMD.

AAHomecare supports CMS' proposal to allow the ordering physician to rely on the in-person evaluation performed by a hospitalist prior to discharging the patient. We recommend that CMS clarify that the ordering/prescribing physician who completes the plan of care also be allowed to rely on the in-person assessment of an emergency department physician or of a physician working on behalf of an inpatient rehab or skilled nursing facility (SNF) prior to the patient's discharge.

Moreover, in the in-patient setting, a patient may be seen by any number of clinicians including PTs, OTs, and respiratory therapists (RTs). These professionals are qualified to evaluate a beneficiary for equipment needs as long as the evaluation falls within their scope of practice under state law. Thus, a PT might recommend that the doctor order a walker or an RT might identify a need for nebulizer medication. In each of these examples, the hospitalist, emergency department physician, or the physician working for the rehab facility or SNF should be able to rely on the assessment performed by these clinicians to determine the patient's need for equipment. Requiring an additional physician visit in

any of the above examples would be redundant and would interject additional expense to the implementation of §6407.

### **3. Timing of the Face-to-Face Evaluation**

Generally, the face-to-face encounter should occur in the six months before the physician or practitioner orders the DME. However, there may be times where a physician might order an item such as a walker based on self-reports from the beneficiary or his or her caregiver. For example, a beneficiary may report recent falls within the home and a doctor might order a cane or walker before he examines the beneficiary in person. Similarly, the beneficiary might have a progressive condition and the physician determines based on the beneficiary's self-reports and clinical history, that he or she needs different equipment from what is currently in use. One common scenario occurs when cancer patients begin to lose mobility. We are aware of an example where a beneficiary had so much back pain from advanced testicular cancer that he was "making do" with two canes. When he reported this to his doctor, the doctor ordered a standard wheelchair based on the beneficiary's self-report.

In these situations, the DME is not a complex device or was ordered because of the expected progression of the beneficiary's disease. When the physician orders DME in these situations, CMS should not require a face-to-face encounter because the physician prescription is based on the patient's medical history and is made in response to predictable changes in the patient's condition.

A similar situation occurs when the Medicare beneficiary or Medicaid recipient is under a home health agency plan of care. The home health agency nurse, or other skilled clinician, often identifies the homebound patient's need for an item of DME and communicates the need to the physician overseeing the plan of care. Typically, the DME item will be related to the condition being treated under the plan of care. For example, the patient may need a different support surface, a walker or standard wheelchair, or may require more frequent glucose testing based on testing results discovered by the nurse or clinician. In other situations, it is for medically necessary equipment such as a hospital bed, hoist lift or other items that were not ordered prior to the patient's discharge from a skilled facility or following an after-hours emergent care visit to a hospital or clinic. In these situations, CMS should not require an additional face-to-face visit for the DME because the patient would have been evaluated in-person (or by telehealth) within 90 days of the doctor's certification of the initial home health plan of care.

Finally, CMS should not impose a physician visit requirement for prescription renewals, supplies/accessories used with the device, and repairs or replacement of equipment, as Congress' interest in ensuring the physician has evaluated the patient's need for the equipment or supplies has already been met with the initial face-to-face evaluation conducted at the time the device or item was initially prescribed. In this regard, we also agree with the comment in the preamble that the face-to-face requirement applies to initial certifications or orders and not to recertifications or prescription renewals. CMS should not extend the face-to-face encounter requirement to ongoing supplies or other items that are ancillary to the DME prescribed but nonetheless necessary to deliver appropriate therapy.

### **4. Documentation and Paperwork Burdens**

As CMS is aware, physician documentation is an area of great concern for AAHomecare members. Invariably, DME providers are subject to overpayment demands because of deficiencies in the

physician's medical records. Consequently, CMS should refrain from requiring physicians to document a face-to-face visit using specific language or by including specific criteria. It should be sufficient for the fact of the visit to be recorded as long as the beneficiary otherwise meets all the qualifying criteria for the DME item that is ordered. For example, a patient may see his/her doctor who determines the patient requires oxygen based on a qualifying oximetry test or other conditions of coverage for oxygen. If the test result qualifies, other coverage criteria are met, and the in-person visit occurred and was documented, that should be adequate to confirm compliance with the new rule. AAHomecare strongly discourages CMS from requiring detailed descriptions of the beneficiary's need for the item the doctor orders, as it would be inconsistent with typical physician practices and could result in decreased beneficiary access to equipment.

Similarly, the ordering physician should be able to rely on a hospital discharge summary identifying a patient's need for equipment. Except for situations where fraud might be suspected, discharge orders entered by a hospitalist or emergency department physician or the discharging physician at a rehab facility or SNF should be accepted as adequate documentation that a face-to-face evaluation took place.

AAHomecare also believes that CMS has grossly underestimated the paperwork burdens associated with the proposed rule. Although it may take 10 minutes to dictate a discharge summary or chart note (which we contest in any case), the burden estimate does not account for the time it may take to collect and review pertinent test results, specialist report's or assessments performed by clinicians such as PTs and OTs. The paperwork burden is much higher than this estimate. Consequently, we recommend that CMS work to streamline what is required to document the in-person visit as we described above. Finally, CMS should commit to an aggressive education campaign targeting physicians at least six months before the rule's effective date.

## **B. Definition of "Medical Equipment"**

AAHomecare fully supports CMS' proposal to define the terms "medical equipment" under the Medicaid program so that it is consistent with the Medicare definition of "DME." Because the Medicare definition of "medical equipment" is already widely in use by State Medicaid programs and other government and private health insurers we recommend that CMS finalize the proposal.

Specifically, CMS proposes to define "medical equipment" under the Medicaid program rules to mean:

Equipment and appliances are defined as items that are primarily and customarily used to serve a medical purpose, generally not useful to an individual in the absence of an illness or injury, can withstand repeated use, and can be reusable or removable.

42 CFR 444.70 (b)(3)(ii)[proposed].<sup>4</sup>

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<sup>4</sup> The proposed definition is nearly identical to Medicare regulations that define DME as equipment that:

- (1) Can withstand repeated use;
- (2) Is primarily and customarily used to serve a medical purpose;
- (3) Generally is not useful to an individual in the absence of an illness or injury; and
- (4) Is appropriate for use in the home.

42 CFR 414.202 (2011).

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As we noted above, the current Medicare definition of DME has been widely adopted by State Medicaid programs, insurance commissioners, and every significant commercial payer. All but three State Medicaid programs use the current definition of DME in their regulations or program manuals,<sup>5</sup> and so do the largest commercial health insurers in the country.<sup>6</sup> State DME licensing bodies also commonly use this definition in their regulations.<sup>7</sup> AAHomecare believes that the proposal to standardize what constitutes “medical equipment” under the Medicaid program so that it is consistent with what constitutes “DME” under Medicare is an important step towards achieving consistency for medical equipment benefits for dually eligible beneficiaries.

## II. CONCLUSION

AAHomecare appreciates the opportunity to submit these comments. We are available to discuss them in greater detail at your convenience.

Sincerely,



Walter Gorski

Vice President for Government Affairs

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<sup>5</sup> See Appendix A

<sup>6</sup> See for example, United Healthcare Coverage determinations Guidelines, available at: [https://www.unitedhealthcareonline.com/ccmcontent/ProviderII/UHC/en-US/Assets/ProviderStaticFiles/ProviderStaticFilesPdf/Tools%20and%20Resources/Policies%20and%20Protocols/Medical%20Policies/Medical%20Policies/DME\\_CD.pdf](https://www.unitedhealthcareonline.com/ccmcontent/ProviderII/UHC/en-US/Assets/ProviderStaticFiles/ProviderStaticFilesPdf/Tools%20and%20Resources/Policies%20and%20Protocols/Medical%20Policies/Medical%20Policies/DME_CD.pdf), last accessed August 25, 2011; Blue Cross Blue Shield of Illinois, available at: <http://www.bcbsil.com>, last accessed August 25, 2011; State of New Jersey Aetna Member Handbook, available at: <http://www.state.nj.us/treasury/pensions/epbam/exhibits/handbook/aetna-handbook.pdf>, last accessed August 25, 2011.

<sup>7</sup> See for example, A.R.S. § 42-5061 (Durable medical equipment can withstand repeated use); Ala.Code 1975 § 40-9-3 (As used in this section, the term “durable medical equipment” means equipment which can stand repeated use); K.S.A. 79-3606, among many others.

## **APPENDIX** i ii

### **ALABAMA**

#### **Ala. Admin. Code r. 473-X-1-.01**

Alabama Administrative Code Currentness Alabama Board of Home Medical Equipment Services Providers Chapter 473-X-1. Definitions 473-X-1-.01. Definitions. ...to undertake otherwise due to certain medical conditions and/or illnesses. Home Medical Equipment is considered to be equipment that **can withstand repeated use** and is primarily and customarily used to serve a medical purpose. Home Medical Equipment includes, but is not limited to ...

### **ALASKA**

#### **7 AAC 120.299**

**Alaska** Administrative Code Currentness Title 7. Health and Social Services Part 8. Medicaid Coverage and Payment 110. Medicaid Coverage; Professional Services. (7 Aac 110.100 - 7 Aac 110.715) 115. Medicaid Coverage; Therapies and Related Services. (7 Aac 115.100 - 7 Aac 115.600) 120. Medicaid Coverage; Prescription Drugs and Medical Supplies; Durable Medical Equipment; Transportation Services. (7 Aac 120.100 - 7 Aac 120.490) 125. Medicaid Coverage; Personal Care Services and Home Health Care Services. (7 Aac 125.010 - 7 Aac 125.399) 130. Medicaid Coverage; Home and Community-Based Waiver Services. (7 Aac 130.100 - 7 Aac 130.319) 140. Medicaid Coverage; Facility and Facility-Based Services. (7 Aac 140.100 - 7 Aac 140.640) 145. Medicaid Payment Rates. (7 Aac 145.005 - 7 Aac 145.739) 150. Prospective Payment System; Other Payment. (7 Aac 150.010 - 7 Aac 150.990) 155. Tribal Health Programs. (7 Aac 155.010 - 7 Aac 155.020) 160. Medicaid Program; General Provisions. (7 Aac 160.100 - 7 Aac 160.990) Chapter 120. Medicaid Coverage; Prescription Drugs and Medical Supplies; Durable Medical Equipment; Transportation Services Article 2. Durable Medical Equipment and Medical Supplies; Related Services 7 AAC 120.299. Definitions.

...purpose that the two items cannot be grouped together for pricing purposes; (3) "durable medical equipment" means equipment that (A) can withstand repeated use; (B) is primarily and customarily used to serve a medical purpose; (C) generally is not useful to an individual in ...

### **ARIZONA**

#### **A.A.C. R9-24-301**

Arizona Administrative Code Currentness Title 9. Health Services Chapter 24. Department of Health Services Arizona Medically Underserved Area Health Services

Article 3. Coordinating Medical Providers (Refs & Annos) R9-24-301. Definitions ...order by medical personnel authorized by law to order the medication. 5. "Durable medical equipment" means an item that: a. Can withstand repeated use; b. Is designed to serve a medical purpose; and c. Generally is not useful to an individual in the absence ...

## **ARKANSAS**

### **Ark. Admin. Code 016.06.48-212.200**

West's Arkansas Administrative Code Currentness Title 016. Department of Human Services Division 06. Medical Services Rule 48. Prosthetics Provider Manual Section 212.000. Services Provided. 016.06.48-212.200. Durable Medical Equipment (DME), All Ages.

...Services Provided. 016.06.48-212.200. Durable Medical Equipment (DME), All Ages. Durable medical equipment (DME) is equipment that can withstand repeated use and is used to serve a medical purpose. Depending on the item involved, DME may be purchased for or by ...

## **CALIFORNIA**

### **22 CCR § 51160**

Barclays Official California Code of Regulations Currentness Title 22. Social Security Division 3. Health Care Services Subdivision 1. California Medical Assistance Program Chapter 3. Health Care Services Article 2. Definitions (Refs & Annos) § 51160. Durable Medical Equipment.

...Durable medical equipment means equipment prescribed by a licensed practitioner to meet medical equipment needs of the patient that: (a) Can withstand repeated use. (b) Is used to serve a medical purpose. (c) Is not useful to an individual in the absence of an ...

## **COLORADO**

### **10 CCR 2505-10:8.590**

West's Colorado Administrative Code Currentness Title 2505. Department of Health Care Policy and Financing 2505. Medical Services Board 10 CCR 2505-10. Medical Assistance 2505-10:8.590. DURABLE MEDICAL EQUIPMENT AND DISPOSABLE MEDICAL SUPPLIES

...non-durable, disposable, consumable and/or expendable. Durable Medical Equipment (DME) means medically necessary equipment prescribed by a physician that **can withstand repeated use**, serves a medical purpose, and is appropriate for use outside of a medical facility. Facilitative Device means DME with a ...

## **CONNECTICUT**

### **Regs. Conn. State Agencies § 17b-262-673**

Regulations of Connecticut State Agencies Currentness Title 17B. Social Services



Department of Social Services (1) Requirements for Payment of Durable Medical Equipment Sec. 17b-262-673. Definitions  
...typed, or computer printed; (8) "Durable medical equipment" or "DME" means equipment that meets all of the following requirements: (A) **can withstand repeated use**; (B) is primarily and customarily used to serve a medical purpose; (C) generally is not useful to a person in ...

#### **Regs. Conn. State Agencies § 17b-262-780**

Regulations of Connecticut State Agencies Currentness Title 17B. Social Services Department of Social Services (1) Payment to Chronic Disease Hospitals Sec. 17b-262-780. Definitions

...of social services or its agent; (8) "Durable medical equipment" means equipment that meets all of the following requirements: (a) **can withstand repeated use**; (b) is primarily and customarily used to serve a medical purpose; (c) is generally not useful to a person in ...

#### **DISTRICT OF COLUMBIA**

##### **29 DCMR § 999**

West's District of Columbia Municipal Regulations Currentness Title 29. Public Welfare Chapter 9. Medicaid Program 999. DEFINITIONS

...Department of Health Care Finance Durable Medical Equipment - Supplies, equipment and appliances required by a recipient of Medicaid services that **can withstand repeated use**, primarily and customarily used to serve medical purposes, and generally not useful to a person in the absence of an ...

#### **DELAWARE**

##### **16 Del. Admin. Code 3225-3.0**

West's Delaware Administrative Code Currentness Title 16. Health and Social Services Division 3000. Division of Long Term Care Residents Protection Chapter 3225. Assisted Living Facilities 3225-3.0. Glossary of Terms

...of Health and Social Services. "Division" - Division of Long Term Care Residents Protection. "Durable Medical Equipment" - Equipment capable of withstanding **repeated use**, primarily and customarily used to serve a medical purpose, generally not useful to a person in the absence of an ...

#### **FLORIDA**

##### **Rule 59G-1.010, F.A.C.**

West's Florida Administrative Code Currentness Title 59. Agency for Health Care Administration Subtitle 59G. Medicaid Chapter 59G-1. General Medicaid 59G-1.010. Definitions.

...Medicaid program, Title XIX, and the federal Medicare program, Title XVIII. (72) "Durable medical equipment (DME)" means medical equipment that **can withstand repeated use**; is primarily and customarily used to serve a medical purpose; is generally not useful in the absence of illness or ...

#### **GEORGIA**

**Ga Comp. R. & Regs. 560-12-2-.30**

West's Georgia Administrative Code Currentness Title 560. Department of Revenue Subtitle 560-12. Sales and Use Tax Division Chapter 560-12-2. Substantive Rules and Regulations 560-12-2-.30. Drugs, Durable Medical Equipment, Prosthetic Devices, and Other Medical Items.  
...or prevention of disease or injury in humans. (b) "Durable Medical Equipment" means equipment which: 1. Is intended to withstand **repeated use**; 2. Is primarily and customarily used to serve a medical purpose; 3. Is generally not useful to a person in ...

**IDAHO**

**IDAPA 16.03.09.010**

Idaho Administrative Code Currentness Agency 16. Department of Health and Welfare Title 03. Chapter 09. Medical Basic Plan Benefits 010. DEFINITIONS -- A THROUGH H.  
...are also eligible for Medicare. (3-30-07) 22. Durable Medical Equipment (DME) Equipment other than prosthetics or orthotics that **can withstand repeated use** by one (1) or more individuals, is primarily and customarily used to serve a medical purpose, is generally not useful ...

**IDAPA 16.03.10.010**

Idaho Administrative Code Currentness Agency 16. Department of Health and Welfare Title 03. Chapter 10. Medicaid Enhanced Plan Benefits 010. DEFINITIONS A THROUGH D.

...Department of Health and Welfare or his designee. 38. Durable Medical Equipment (DME) Equipment other than prosthetics or orthotics which can withstand repeated use by one (1) or more individuals, is primarily and customarily used to serve a medical purpose, is generally not useful ...

**INDIANA**

**405 IAC 2-9-2**

Indiana Administrative Code Currentness Title 405. Office of the Secretary of Family and Social Services Article 2. Medicaid Recipients; Eligibility Rule 9. Medicaid for Employees with Disabilities 405 IAC 2-9-2 Income of applicant or recipient  
...payments made for those devices may be deducted. As used in this clause, medical devices include durable medical equipment that can withstand repeated use, is customarily used for medical purposes, and is generally not useful to a person in the absence of an illness ...

**405 IAC 5-19-2**

Indiana Administrative Code Currentness Title 405. Office of the Secretary of Family and Social Services Article 5. Medicaid Services Rule 19. Medical Supplies and Equipment 405 IAC 5-19-2 "Durable medical equipment" or "DME" defined  
... 15 Sec. 2. As used in this rule ( 405 IAC 5-19 ), "durable medical equipment" or "DME" means equipment that can withstand repeated use, is primarily and customarily used to serve a medical purpose, and generally is not useful to a recipient in the ...

## IOWA

### Iowa Admin. Code 441-78.10(249A)

Iowa Administrative Code Currentness Agency 441 Human Services Department Title VIII Medical Assistance [chs. 75 to 92] Chapter 78 Amount, Duration and Scope of Medical and Remedial Services (Refs & Annos) 441-78.10(249A) Durable medical equipment (DME), prosthetic devices and medical supplies.

...provider operating expenses for DME, prosthetic devices or medical supplies.

78.10(2) Durable medical equipment. DME is equipment which **can withstand re-peated use**, is primarily and customarily used to serve a medical purpose, is gener-ally not useful to a person in the absence ...

## KANSAS

### K.A.R. 30-5-58

Kansas Administrative Regulations Currentness Agency 30. Social and Rehabilita-tion Services Article 5. Provider Participation, Scope of Services, and Reimburse-ments for the Medicaid (Medical Assistance) Program 30-5-58 Definitions.

...paragraphs (1), (2), or (3) above. (mm) “Durable medical equipment“ or “DME“ means equipment that meets these conditions: (1) Withstands **repeated use**; (2) is not generally useful to a person in the absence of an illness or injury; (3) is primari-ly and ...

## KENTUCKY

### 907 Ky. Admin. Regs. 1:479

Kentucky Administrative Regulations Currentness Title 907. Cabinet for Health and Family Services Department for Medicaid Services Chapter 1. Medicaid Services 907 KAR 1:479. Durable medical equipment covered benefits and reimbursement

...means durable medical equipment, prosthetics, orthotics, and supplies. (8) “Du-rable medical equipment” or “DME” means medical equipment which: (a) With-stands **repeated use**; (b) Is primarily and customarily used to serve a medical pur-pose; (c) Is generally not useful to a person in ...

## LOUISIANA

### La. Admin Code. tit. 48, pt. V, § 2901

Louisiana Administrative Code Currentness Title 48. Public Healthpgeneral Part V. Preventive Health Services Subpart 9. Home Health Services Chapter 29. Services § 2901. Types of Services

... charge. C. Durable Medical Equipment. Items of equipment such as hospital beds, wheelchairs, walkers, commode chairs, and other equipment which **can withstand repeated use** and is primarily and customarily used in the home to serve a medical purpose, are not provided to clients. D ...

## MAINE

**10-144 CMR Ch. 101, Ch. II, § 60**

Code of Maine Rules Currentness 10. Department of Health and Human Services 144.  
Department of Human Services - General Chapter 101. Mainecare Benefits Manual Chapter II.  
Specific Policies by Service (Refs & Annos) Sec. 60 MEDICAL SUPPLIES AND DURABLE MEDICAL  
EQUIPMENT

...is the Maine Department of Health and Human Services. 60.01-4 Durable Medical Equipment  
(DME) is: A. Equipment that **can withstand repeated use**; B. Primarily used to serve a medical  
purpose and is medically necessary and reasonable for the treatment of the member's ...

**MARYLAND**

**COMAR 10.09.12.01**

Code of Maryland Regulations Currentness Title 10 Department of Health and Mental Hygiene  
Subtitle 09 Medical Care Programs Chapter 12 Disposable Medical Supplies and Durable Medical  
Equipment (Refs & Annos) .01 Definitions.

...injury, disability, or health condition. (5) "Durable medical equipment" means equipment  
which satisfies all of the following requirements: (a) It **can withstand repeated use**; (b) It is used  
to serve a medically necessary purpose; and (c) It has no practical use in the absence ...

**COMAR 10.09.37.01**

Code of Maryland Regulations Currentness Title 10 Department of Health and Mental Hygiene  
Subtitle 09 Medical Care Programs Chapter 37 Expanded Early and Periodic Screening, Diagnosis  
and Treatment (Epsdt) Referred Services (Refs & An-nos) .01 Definitions.

...42 U.S.C. §1396 et seq. (5) "Durable medical equipment" means equipment which satisfies  
all of the following requirements: (a) It **can withstand repeated use**; (b) It is used to serve a  
medical purpose; (c) It is appropriate for use in the  
home; and (d ...

**COMAR 10.11.03.03**

Code of Maryland Regulations Currentness Title 10 Department of Health and  
Mental Hygiene Subtitle 11 Maternal and Child Health Chapter 03 Children's Medi-  
cal Services Program (Refs & Annos) .03 Definitions.

...to serve a medical purpose. (26) "Durable medical equipment" means equip-  
ment which satisfies all of the following requirements: (a) It can withstand repeat-  
repeated use; (b) It is used to serve a medical purpose; and (c) It is appropriate for use in  
the home. (27 ...

**COMAR 10.14.02.02**

Code of Maryland Regulations Currentness Title 10 Department of Health and  
Mental Hygiene Subtitle 14 Cancer Control Chapter 02 Reimbursement for Breast  
and Cervical Cancer Diagnosis and Treatment (Refs & Annos) .02 Definitions.

...minimal or no potential for reuse. (18) "Durable medical equipment" means  
equipment which satisfies all of the following requirements: (a) Can withstand re-  
peated use; (b) Is used to serve a medical purpose; and (c) Is appropriate for use in  
the home. (19) "Eligible patient ...

**COMAR 31.11.12.02**

Code of Maryland Regulations Currentness Title 31 Maryland Insurance Administration Subtitle 11 Health Insurance -Group Chapter 12 Limited Benefit Plan (Refs & Annos) .02 Definitions.

...Code of Maryland. (15) "Durable medical equipment" means equipment furnished by a supplier or a home health agency that: (a) Can withstand repeated use; (b) Is primarily and customarily used to serve a medical purpose; (c) Generally is not useful to an individual in ...

**MASSACHUSETTS**

**114.3 CMR 22.02**

Code of Massachusetts Regulations Currentness Title 114.3: Division of Health Care Finance and Policy/Ambulatory Care Chapter 22.00: Durable Medical Equipment, Oxygen and Respiratory Therapy Equipment (Refs & Annos) 22.02: General Definitions

...and customarily to fulfill a medical purpose; (b) is generally not useful in the absence of illness and injury; (c) can withstand repeated use over an extended period of time; and (d) is appropriate for home use. Eligible Provider Any person, partnership, corporation, or ...

**130 CMR 409.402**

Code of Massachusetts Regulations Currentness Title 130: Division of Medical Assistance Chapter 409.000: Durable Medical Equipment Services (Refs & Annos) 409.402: Definitions

...and customarily to fulfill a medical purpose; (2) is generally not useful in the absence of illness or injury; (3) can withstand repeated use over an extended period; and (4) is appropriate for use in the member's home. Enteral Nutrition - nutrition requirements that are ...

**130 CMR 433.466**

Code of Massachusetts Regulations Currentness Title 130: Division of Medical Assistance Chapter 433.000: Physician Services 433.466: Durable Medical Equipment and Medical/Surgical Supplies: Introduction

...fabricated primarily and customarily to fulfill a medical purpose, are generally not useful in the absence of illness or injury, can withstand repeated use over an extended period of time, and are appropriate for home use. Payment for durable medical equipment and medical/surgical ...

**MINNESOTA**

**Minnesota Rules, part 9505.0175**

Minnesota Rules Currentness Chapter 9505 Department of Human Services Health Care Programs General Assistance Medical Care Payment participation Requirements for Vendors and Health Maintenance Organizations Medical Assistance

Payments 9505.0175 DEFINITIONS.

... 02, subdivision 8 and 256B.0625 Subp. 10. Durable medical equipment. "Durable medical equipment" means a device or equipment that can withstand repeated use, is provided to correct or accommodate a physiological disorder or physical condition, and is suitable for use in the recipient's ...

## **MISSISSIPPI**

### **Miss. Admin. Code 23-1-15:10.06**

West's Mississippi Administrative Code Currentness Title 23. Medicaid Subtitle 1. Division of Medicaid, Office of the Governor Rule 15. Provider Policy Manual Section 10. Durable Medical Equipment 23-1-15:10.06. Definitions.

...Equipment 23-1-15:10.06. Definitions. Durable Medical Equipment (DME) - Equipment qualifies as durable medical equipment when (1) it can withstand repeated use, and (2) is primarily and customarily used to serve a medical purpose, and (3) is generally not useful to a ...

### **Miss. Admin. Code 23-1-15:10.79**

West's Mississippi Administrative Code Currentness Title 23. Medicaid Subtitle 1. Division of Medicaid, Office of the Governor Rule 15. Provider Policy Manual Section 10. Durable Medical Equipment 23-1-15:10.79. Treadmill Exerciser/Exercycle.

...Equipment, an item must meet all of the following criteria. 1. Is used to serve a medical purpose, AND 2. Can withstand repeated use, AND 3. Is generally not useful to a person in the absence of illness, injury, or disease, AND 4. Is ...

## **MISSOURI**

### **13 Mo. Code of State Regulations 70-60.010**

Missouri Code of State Regulations Currentness Title 13 - Department of Social Services Division 70 - Mo Healthnet Division Chapter 60 - Durable Medical Equipment Program 13 CSR 70-60.010 Durable Medical Equipment Program

...program and are not billable to the MO HealthNet participant. (4) Definition for **Durable Medical Equipment. DME is equipment that can withstand repeated use,** is primarily and customarily used to serve a medical purpose, generally is not useful to a person in the absence ...

## **NEBRASKA**

### **Neb. Admin. R. & Regs. Tit. 316, Ch. 1, § 050**

Nebraska Administrative Code Currentness Revenue, Department of Title 316: Nebraska Department of Revenue Chapter 1 - Sales and Use Tax Regulations 050 MEDICINES AND MEDICAL EQUIPMENT

...a deficient part of the body. 050.07B Durable medical equipment shall mean equipment, including repair and replacement parts, that can withstand repeated use, is primarily and customarily used to serve a medical purpose, is not generally useful to a person in the absence ...

## NEVADA

### NAC 372.020

Nevada Administrative Code Currentness Chapter 372. Sales and Use Taxes General Provisions NAC 372.020 "Durable medical equipment" defined. (NRS 360.090, 360B.110, 372.725)

...360.090, 360B.110, 372.725) "Durable medical equipment" means equipment, including any repair and replacement parts therefor, which: 1. Can withstand repeated use; 2. Is primarily and customarily used to serve a medical purpose; 3. Generally is not useful to a person in ...

## NEW HAMPSHIRE

### N.H. Code Admin. R. He-M 520.01

State of New Hampshire Currentness Office of Legislative Services Division of Administrative Rules Department of Health and Human Services Division of Mental Health and Developmental Services Chapter HE-M 500. Developmental Services Part HE-M 520. Children's Special Medical Services (Refs & Annos) He-M 520.01

#### **Definitions.**

... the New Hampshire department of health and human services. (j) 'Durable medical equipment' means a non-disposable device that: (1) **Can withstand repeated use**; (2) Is appropriate for in-home use for the treatment of an acute or chronic medically diagnosed health condition, illness ...

### N.H. Code Admin. R. He-W 571.01

State of New Hampshire Currentness Office of Legislative Services Division of Administrative Rules Department of Health and Human Services Division of Human Services Chapter HE-W 500. Medical Assistance Part HE-W 571. Durable Medical Equipment, Prosthetic and Orthotic Devices, and Medical Supplies (Refs & Annos) He-W 571.01 Definitions.

... the New Hampshire department of health and human services. (c) 'Durable medical equipment (DME)' means a non-disposable device that **can withstand repeated use**, that is appropriate for in-home use for the treatment of an acute or chronic medically diagnosed health condition, illness ...

## NEW JERSEY

### N.J.A.C. 10:59-1.2

New Jersey Administrative Code Currentness Title 10. Department of Human Services Chapter 59. Medical Supplier Manual (Refs & Annos) Subchapter 1. Medical Supplies and Durable Medical Equipment 10:59-1.2 Definitions

...useful to a beneficiary in the absence of a disease, illness, injury, or disability; and 3. Is capable of withstanding **repeated use** (durable) and is nonexpendable; for example, hospital bed, oxygen equipment, wheelchair, walker, suction equipment, and the like. "Invoice" means an ...

### N.J.A.C. 10:60-2.1

New Jersey Administrative Code Currentness Title 10. Department of Human Services Chapter 60. Home Care Services (Refs & Annos) Subchapter 2. Home Health Agency (Hha) Services 10:60-2.1 Covered home health agency services  
...purpose, is not useful to a person in the absence of disease, illness or injury, and is capable of withstanding **repeated use** (durable). When durable medical equipment is essential in enabling the home health agency to carry out the plan of care ...

## **NEW MEXICO**

### **N.M. Admin Code 8.306.1**

Code of New Mexico Rules Currentness Title 8. Social Services Chapter 306. State Coverage Insurance (Sci) Part 1. General Provisions 8.306.1. GENERAL PROVISIONS  
... SCI MCO to a different SCI MCO during a member lock-in period. (7) Durable medical equipment (DME): Equipment that can withstand repeated use, is primarily used to serve a medical purpose, is not useful to individuals in the absence of an illness or ...

### **N.M. Admin. Code 8.307.1**

Code of New Mexico Rules Currentness Title 8. Social Services Chapter 307. Coordinated Long Term Services Part 1. General Provisions (Refs & Annos) 8.307.1. GENERAL PROVISIONS  
... CoLTS MCO to a different CoLTS MCO during a member lock-in period. (7) Durable medical equipment (DME): Equipment that can withstand repeated use, is primarily used to serve a medical purpose, is not useful to individuals in the absence of an illness or ...

### **N.M. Admin. Code 8.324.5**

Code of New Mexico Rules Currentness Title 8. Social Services Chapter 324. Adjunct Services Part 5. Durable Medical Equipment and Medical Supplies (Refs & Annos) 8.324.5. DURABLE MEDICAL EQUIPMENT AND MEDICAL SUPPLIES  
... any particular type of equipment. A back-up ventilator is covered. (1) 'Durable medical equipment' is defined as equipment that can withstand repeated use, is primarily and customarily used to serve a medical purpose, is not useful to individuals in the absence of an ...

## **NEW YORK**

### **18 NYCRR 505.5**

Compilation of Codes, Rules and Regulations of the State of New York Currentness Title 18. Department of Social Services Chapter II. Regulations of the Department of Social Services Subchapter E. Medical Care Article 3. Policies and Standards Governing Provision of Medical and Dental Care Part 505. Medical Care (Refs & Annos) Section 505.5. Durable medical equipment; medical/surgical supplies; orthotic and prosthetic appliances; orthopedic footwear  
...by a practitioner in the treatment of a specific medical condition and which have all of the following characteristics: (i) can withstand repeated use for a protracted



period of time; (ii) are primarily and customarily used for medical purposes; (iii) are generally not useful ...

## OKLAHOMA

### Okla. Admin. Code 317:30-5-211.1

Oklahoma Administrative Code Currentness Title 317. Oklahoma Health Care Authority Chapter 30. Medical Providers-Fee for Service Subchapter 5. Individual Providers and Specialties Part 17. Medical Suppliers (Refs & Annos) 317:30-5-211.1. Definitions

...for an individual member's use in accordance with instructions from the member's physician. "Durable medical equipment (DME)" means equipment that can withstand repeated use, i.e.; the type of item that could normally be rented is used to serve a medical purpose, is not useful ...

## OREGON

### OAR 410-122-0010

Oregon Administrative Rules Compilation Currentness Chapter 410. Oregon Health Authority, Division of Medical Assistance Programs Division 122. Durable Medical Equipment and Medical Supplies 410-122-0010 Definitions

...Equipment -- Equipment, furnished by a durable medical equipment, prosthetics, orthotics and supplies (DMEPOS) provider or a home health agency that can withstand repeated use, is primarily and customarily used to serve a medical purpose, **generally is not useful to a client in the absence ...**

## OHIO

### OAC 5101:3-3-19

Baldwin's Ohio Administrative Code Annotated Currentness 5101 Job and Family Services Department 5101:3 Job and Family Services Department--Medical Assistance Division (Refs & Annos) Chapter 5101:3-3. Nursing and Intermediate Care Facilities (Refs & Annos) 5101:3-3-19 Relationship of other covered medicaid services to nursing facility (NF) services

...ventilator circuits. (b) Costs incurred for "needed medical equipment" (and repair of such equipment), defined as items that can stand **repeated use**, are primarily and customarily used to serve a medical purpose, are not useful to a person in the absence of ...

### OAC 5101:3-10-02

Baldwin's Ohio Administrative Code Annotated Currentness 5101 Job and Family Services Department 5101:3 Job and Family Services Department--Medical Assistance Division (Refs & Annos) Chapter 5101:3-10. Medical Supplier Services (Refs & Annos) 5101:3-10-02 Coverage and limitations for medical supplier services

...expectancy. Examples are: atomizers and nebulizers, catheters, hypodermic syringes and needles. (3) "Durable medical equipment (DME). Equipment that can

stand **repeated use**, is primarily and customarily used to serve a medical purpose, is not useful to a person in the absence of ...

## PENNSYLVANIA

### 55 Pa. Code § 1123.2

West's Pennsylvania Administrative Code Currentness Title 55. Public Welfare Part III. Medical Assistance Manual Chapter 1123. Medical Supplies General Provisions § 1123.2. Definitions.

...context clearly indicates otherwise: Durable medical equipment --An item or de-vice listed in the Medical Assistance program fee schedule that **can withstand re-peated use**; which are used primarily and customarily to serve a medical purpose; which are customarily not useful to a person in ...

### 55 Pa. Code § 1187.2

West's Pennsylvania Administrative Code Currentness Title 55. Public Welfare Part III. Medical Assistance Manual Chapter 1187. Nursing Facility Services Subchapter A. General Provisions § 1187.2. Definitions.

...or totally funded by a county institution district or county government. DME-- Durable medical equipment (i) Movable property that: (A) **Can withstand repeated use**. (B) Is primarily and customarily used to serve a medical purpose. (C) Generally is not useful to an individual in ...

### .J. Admin. Code 60-1-202:1

West's Rhode Island Administrative Code Currentness Title 60. Taxation Division Division 1. General Rule 202. Sales and Use Tax - Medical Equipment, Mobility En-hancing Equipment and Prosthetic Devices, Blood and Oxygen Formerly - Crutches, Artificial Devices, Aids, Blood, Oxygen and Wheelchairs (Refs & Annos) 60-1-202:1. Regulation SU 07-30 Medical Equipment, Mobility Enhancing Equipment and Pros-thetic Devices, Blood and Oxygen

...Prosthetic Devices, Blood and Oxygen (A) Durable Medical Equipment "Durable medical equipment" means equipment including repair and replacement parts which can withstand repeated use; is primarily and customarily used to serve a medical purpose; generally not useful to a person in the absence of ...

## SOUTH DAKOTA

### ARSD 64:06:03:58

Administrative Rules of South Dakota Currentness Department of Revenue and Regulation (Articles 64:01 to 64:80) Article 64:06 Sales Tax Chapter 64:06:03 Products--Interpretive Rules (Refs & Annos) 64:06:03:58. Durable medical equipment-- Definition.

... 15.6 , means equipment including repair and replacement parts for same, but does not include mobility enhancing equipment, which: (1) Can withstand repeated use; (2) Is primarily and customarily used to serve a medical purpose; (3) Generally is not useful to a person in ...

## TENNESSEE

**Tenn. Comp. R. & Regs. 0800-02-17-03**

Tennessee Rules and Regulations Currentness 0800. Department of Labor and Workforce Development 0800-02. Division of Workers' Compensation Chapter 0800-02-17. Medical Cost Containment Program 0800-02-17-03. DEFINITIONS. ...stay patterns as for Medicare purposes by CMS (see "HCFA"). (24) "Durable medical equipment" or "DME" is equipment which (1) can withstand repeated use, (2) is primarily and customarily used to serve a medical purpose, (3) generally is not useful to a person in ...

**Tenn. Comp. R. & Regs. 1200-11-03-02**

Tennessee Rules and Regulations Currentness 1200. Department of Health and Department of Environment and Conservation 1200-11. Bureau of Health Services Chapter 1200-11-03. Children's Special Services (Refs & Annos) 1200-11-03-02. DEFINITIONS. ...procedures, laboratory tests, or other procedures deemed necessary for diagnosis. (7) Durable Medical Equipment - Durable Medical Equipment means equipment that can withstand repeated use, is primarily and customarily used to serve a medical purpose, generally is not useful to a person in the absence ...

**TEXAS**

**1 TAC § 61.407**

Texas Administrative Code Currentness Title 1. Administration Part 3. Office of the Attorney General Chapter 61. Crime Victims' Compensation Subchapter E. Pecuniary Loss § 61.407. Additional Compensation for Catastrophic Injury ...criminally injurious conduct that occurred on or after September 1, 1995). (6) Durable medical equipment refers to those items that can withstand repeated use, are primarily used to serve a medical purpose, are generally not useful to a person in the absence of illness ...

**UTAH**

**U.A.C. R414-70**

Utah Administrative Code Currentness Health R414. Health Care Financing, Coverage and Reimbursement Policy. R414-70. Medical Supplies, Durable Medical Equipment, and Prosthetic Devices. ...services. R414-70-2. Definitions. As used in this rule: (1) "Durable medical equipment" or "DME" means equipment that: (a) can withstand repeated use; (b) is primarily and customarily used to serve a medical purpose; (c) generally is not useful to a person in ...

**VIRGINIA**

**23 VAC 10-210-940**

Virginia Administrative Code Currentness Title 23. Taxation Vac Agency No. 10.

Department of Taxation (Refs & Annos) Division IV. Sales Taxes (Refs & Annos) Chapter 210. Retail Sales and Use Tax (Refs & Annos) 23 VAC 10-210-940. Medicines, drugs, eyeglasses and related items.

...apply to durable medical equipment purchased by or on behalf of an individual. Durable medical equipment is that which: (1) can withstand repeated use; (2) is primarily and customarily used to serve a medical purpose; (3) generally is not useful to a person in ...

## **VERMONT**

### **Vt. Admin. Code 1-3-107:1.9741(2)**

West's Vermont Administrative Code Currentness Title 1. Agency of Administration Subtitle 3. Department of Taxes Division of Property Valuation and Review Rule 107. Sales Tax Part 1.9741. Exemptions. 1-3-107:1.9741(2). Medical Exemption. ...are exempt from the tax. 1. "Durable medical equipment" means equipment, including repair and replacement parts for such equipment, which can withstand repeated use, is primarily and customarily used to serve a medical purpose, generally is not useful to a person in the absence ...

### **Vt. Admin. Code 4-3-23:4**

West's Vermont Administrative Code Currentness Title 4. Department of Banking, Insurance, Securities, and Health Care Administration Subtitle 3. Insurance Division General Rule 23. Regulation 93-4 Uniform Claim Forms and Uniform Standards and Procedures for Processing 4-3-23:4. Definitions. ...III-R codes" means the American Psychiatric Association's codes for mental disorders. (e) "Durable Medical Equipment" means equipment which (a) can withstand repeated use; (b) is primarily and customarily used to serve a medical purpose; (c) generally is not useful to a person in ...

## **WASHINGTON**

### **WAC 388-540-105**

Washington Administrative Code Currentness Title 388. Social and Health Services, Department of Chapter 388-540. Kidney Disease Program and Kidney Center Services Kidney Center Services (Refs & Annos) 388-540-105. Definitions. ...supplies' means non pharmaceutical items necessary for administration or delivery of a drug. 'Durable medical equipment (DME)' means equipment that: (1) Can withstand repeated use; (2) Is primarily and customarily used to serve a medical purpose; (3) Generally is not useful to a person in ...

### **WAC 388-543-1000**

Washington Administrative Code Currentness Title 388. Social and Health Services, Department of Chapter 388-543. Durable Medical Equipment and Related Supplies, Prosthetics, Orthotics, Medical Supplies and Related Services (Refs & Annos) 388-543-1000. Definitions for durable medical equipment (DME) and related supplies, prosthetics, and orthotics, medical supplies and related services.

... may be used once, or more than once, but are time limited. 'Durable medical equipment (DME)' means equipment that: (1) Can withstand repeated use; (2) Is primarily and customarily used to serve a medical purpose; (3) Generally is not useful to a person in ...

### **WEST VIRGINIA**

#### **W. Va. Code St. R. § 110-15C-3**

West Virginia Code of State Rules Currentness Title 110. Department of Tax and Revenue -- Division of Tax Legislative Rule (Ser. 15C) Series 15C. Consumers Sales and Service Tax and Use Tax - Drugs, Durable Medical Goods, Mobility Enhancing Equipment and Prosthetic Devices Per Se Exemption; Motor Vehicles Per Se Exemption (Refs & Annos) § 110-15C-3. Definitions.

...means equipment including repair and replacement parts for the equipment, but does not include "mobility enhancing equipment", which: 3.2.a. Can withstand repeated use; 3.2.b. Is primarily and customarily used to serve a medical purpose; 3.2.c. Generally is not useful to a ...

#### **W. Va. Code St. R. T. 151, Series 1, Attachment A**

West Virginia Code of State Rules Currentness Title 151. Public Employees Insurance Agency Legislative Rule (Ser. 1) Series 1. Legislative (Exempt) Rules Pertaining to the General Administration of the West Virginia Insurance Plan Attachment A ...hospital services. Director - The Director of the West Virginia Public Employees Insurance Agency. Durable Medical Equipment (DME) - Medical equipment which can withstand repeated use and is not disposable, is used for a medical purpose, and is generally not useful to a person who is ...

#### **W. Va. Code St. R. T. 151, Series 1, Attachment B**

West Virginia Code of State Rules Currentness Title 151. Public Employees Insurance Agency Legislative Rule (Ser. 1) Series 1. Legislative (Exempt) Rules Pertaining to the General Administration of the West Virginia Insurance Plan Attachment B ...disease, usually a chronic condition, through integrative care. Durable Medical Equipment: Medical equipment that is prescribed by a physician which can withstand repeated use, is not disposable, is used for a medical purpose, and is generally not useful to a person who is not ...

### **WISCONSIN**

#### **Wis. Adm. Code s DHS 101.03**

Wisconsin Administrative Code Currentness Department of Health Services Chapter DHS 101. Introduction and Definitions (Refs & Annos) DHS 101.03 Definitions. ...list of covered legend and nonlegend drugs maintained and updated by the department. (50) "Durable medical equipment" means equipment which can withstand repeated use, is primarily used for medical purposes, is generally not useful to a person in the absence of illness or injury ...

**Wis. Adm. Code s Tax 11.08**

Wisconsin Administrative Code Currentness Department of Revenue Chapter Tax 11. Sales and Use Tax Subchapter III. Exemptions Tax 11.08 Durable medical equipment, mobility-enhancing equipment, and prosthetic devices.

...replacement parts for the equipment that is primarily and customarily used for a medical purpose related to a person; that can withstand repeated use; that is not **generally useful to a person who is not ill or injured; and that is not placed in ...**

**WYOMING**

**WY Rules and Regulations HLTH MDCD Ch. 3 s 3**

Wyoming Rules and Regulations Currentness Department of Health Medicaid Chapter 3. Provider Participation Section 3. Definitions.

... has been enrolled as a provider with the Division. (r) "Equipment." Items, including durable medical equipment, that are designed for **repeated use, have a medical purpose and are intended for home use.** (s) "Excess payments." "Excess payments" as defined in Chapter 39 ...

**WY Rules and Regulations HLTH MDCD Ch. 9 s 4**

Wyoming Rules and Regulations Currentness Department of Health Medicaid Chapter 9. Hospital Services Section 4. Definitions.

...Division of the Department, its agent, designee, or successor. (x) "Durable medical equipment." Equipment that is: (i) Able to withstand **repeated use**; (ii) Primarily used to serve a medical purpose; (iii) Generally not useful to a person in the absence of an ...

**WY Rules and Regulations HLTH MDCD Ch. 16 s 4**

Wyoming Rules and Regulations Currentness Department of Health Medicaid Chapter 16. Medicaid Program Integrity Section 4. Definitions.

...is in imminent danger. (q) "Equipment." Durable medical equipment, including oxygen and oxygen supplies, that is: (i) Able to withstand **repeated use**; (ii) Primarily used to serve a medical purpose; (iii) Generally not useful to a person in the absence of an ...

**WY Rules and Regulations HLTH MDCD Ch. 26 s 4**

Wyoming Rules and Regulations Currentness Department of Health Medicaid Chapter 26. Covered Services Section 4. Definitions.

...treatment services for recipients under the age of 21. (yy) "Equipment." Items, including durable medical equipment, that are designed for **repeated use**, have a medical purpose and are intended for home use. (zz) "Excess payments." Excess payments as defined in Chapter 39 ...

**WY Rules and Regulations HLTH MDCD Ch. 39 s 4**

Wyoming Rules and Regulations Currentness Department of Health  
Medicaid Chapter 39. Recovery of Excess Payments Section 4. Definitions.

...Financing of the Department, its agent, designee, or successor. (u) "Equipment." Items, including durable medical equipment, that are designed for **repeated use**, have a medical purpose and are intended for home use. (v) "Excess payments." Medicaid funds received by a provider to ...

<sup>i</sup> Illinois adopts the §414.202 as the definition of DME, *Handbook for Medical Equipment and Supplies, M-200*, available @ <http://www.hfs.illinois.gov/medical/>

<sup>ii</sup> Hawaii, North Carolina and South Carolina use different definitions