RN1716724 **AFP 2**

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Legislative Counsel’s Digest

AFP 2: MEDICARE: DURABLE MEDICAL EQUIPMENT.

EXISTING FEDERAL LAW PROVIDES FOR MEDICARE, A PUBLIC HEALTH INSURANCE PROGRAM FOR PERSONS 65 YEARS OF AGE AND OLDER AND SPECIFIED PERSONS WITH DISABILITIES WHO ARE UNDER 65 YEARS OF AGE. UNDER EXISTING FEDERAL LAW, MEDICARE PAYS FOR THE PURCHASE OR RENTAL OF DURABLE MEDICAL EQUIPMENT IF THE EQUIPMENT IS USED IN THE PATIENT’S HOME OR IN AN INSTITUTION THAT IS USED AS A HOME.

EXISTING FEDERAL REGULATIONS DEFINE “DURABLE MEDICAL EQUIPMENT” AS EQUIPMENT, FURNISHED AS SPECIFIED THROUGH A PRESCRIPTION, THAT MEETS CERTAIN REQUIREMENTS, INCLUDING, AMONG OTHERS, THAT IT CAN WITHSTAND REPEATED USE, THAT IT HAS AN EXPECTED LIFE OF AT LEAST 3 YEARS IF CLASSIFIED AS DURABLE MEDICAL EQUIPMENT AFTER JANUARY 1, 2012, AND THAT IT IS PRIMARILY AND CUSTOMARILY USED TO SERVE A MEDICAL PURPOSE.

THIS MEASURE WOULD MEMORIALIZE THE FEDERAL GOVERNMENT TO ADOPT APPROPRIATE REGULATIONS FOR THE MEDICARE PROGRAM, OR TO ENACT APPROPRIATE LEGISLATION, THAT WOULD ADD GRAB BARS TO THE LIST OF COVERED DURABLE MEDICAL EQUIPMENT UNDER THE MEDICARE PROGRAM, UPON AN EVALUATION BY THE MEDICARE PROGRAM TO DEMONSTRATE THAT GRAB BARS MEET THE REQUIREMENTS OF DURABLE MEDICAL EQUIPMENT.

VOTE MAJORITY.

AFP 2: RELATING TO MEDICARE

WHEREAS, MEDICARE DOES NOT COVER CERTAIN SAFETY EQUIPMENT THAT HELPS TO PREVENT FALLS, INCLUDING, BUT NOT LIMITED TO, GRAB BARS AND STAIR RAILS, EVEN THOUGH MEDICARE SPENDS BILLIONS OF DOLLARS PER YEAR TO TREAT THE RESULTS OF FALLS WITH SURGERY AND PHYSICAL THERAPY SERVICES THAT HELP PATIENTS TO REGAIN THE USE OF INJURED LIMBS; AND

WHEREAS, MEDICARE DOES NOT COVER THE COST OF A GRAB BAR FOR A BATHTUB OR SHOWER BECAUSE IT DOES NOT CONSIDER A GRAB BAR TO BE DURABLE MEDICAL EQUIPMENT; AND

WHEREAS, GRAB BARS MEET THE FIVE REQUIREMENTS OF DURABLE MEDICAL EQUIPMENT: (1) THEY CAN WITHSTAND REPEATED USE; (2) THEY HAVE AN EXPECTED LIFE OF AT LEAST THREE YEARS; (3) THEY ARE PRIMARILY AND CUSTOMARILY USED TO SERVE A MEDICAL PURPOSE — PREVENTING FALLS, THEREBY PROMOTING SAFETY AND REDUCING MEDICAL COSTS; (4) THEY ARE GENERALLY NOT USEFUL TO AN INDIVIDUAL WHO DOES NOT HAVE AN ILLNESS OR INJURY AND INSTEAD ARE TYPICALLY USED BY SENIORS WHO COLLECTIVELY SUFFER FROM MILLIONS OF FALLS PER YEAR; AND (5) THEY ARE APPROPRIATE FOR USE IN THE HOME, NOTABLY IN THE BATHROOM; AND

WHEREAS, ACCORDING TO A 2016 MORBIDITY AND MORTALITY WEEKLY REPORT BY THE FEDERAL CENTERS FOR DISEASE CONTROL AND PREVENTION (CDC), 28.7 PERCENT OF OLDER AMERICANS EXPERIENCED 29 MILLION FALLS IN 2014, WHICH CAUSED SEVEN MILLION INJURIES AND 27,000 DEATHS; AND

WHEREAS, ACCORDING TO THE SAME REPORT, INJURIES DUE TO FALLS COST MEDICARE AN ESTIMATED 31.3 BILLION DOLLARS ANNUALLY, AND ANNUAL COSTS COULD REACH 48.5 BILLION DOLLARS BY 2030; AND

WHEREAS, THE NATIONAL CENTER FOR INJURY PREVENTION AND CONTROL AT THE CDC ESTIMATED THAT IN 2010, MORE THAN 400,000 INDIVIDUALS 65 YEARS OF AGE OR OLDER IN THE UNITED STATES WERE HOSPITALIZED DUE TO NONFATAL, UNINTENTIONAL FALLS; AND

WHEREAS, ACCORDING TO A 2011 CDC REPORT, ABOUT ONE-THIRD OF FALL INJURIES IN 2008 OCCURRED WHILE BATHING OR SHOWERING, ABOUT 10 PERCENT OCCURRED WHILE GETTING OUT OF A BATHTUB OR SHOWER, AND ABOUT 14 PERCENT OCCURRED WHILE USING A TOILET; AND

WHEREAS, JUDY A. STEVENS, AN EPIDEMIOLOGIST FOR THE CDC AND THE LEAD AUTHOR OF THE 2011 CDC REPORT DESCRIBED ABOVE, SAID, “INJURIES GETTING ON AND OFF THE TOILET ARE QUITE HIGH IN PEOPLE 65 AND OLDER. HAVING GRAB BARS BY THE TOILET WOULD BE HELPFUL FOR PEOPLE IN THEIR OLDER YEARS”; AND

WHEREAS, GRAB BARS ARE PARTICULARLY IMPORTANT IN PREVENTING DANGEROUS BATHROOM FALLS DUE TO SLIPPERY FLOORS OR OTHER CONDITIONS. FOR SENIORS, GRAB BARS CAN BE A SMART ADDITION TO THE BATHROOM AS AN ESTIMATED 85 PERCENT OF FALLS IN THE HOME OCCUR IN THE BATHROOM; NOW, THEREFORE, BE IT

RESOLVED, BY THE SENIOR ASSEMBLY AND THE SENIOR SENATE, JOINTLY, THAT THE SENIOR LEGISLATURE OF THE STATE OF CALIFORNIA AT ITS 2017 REGULAR SESSION, A MAJORITY OF THE MEMBERS VOTING THEREFOR, HEREBY PROPOSES THAT GRAB BARS BE ADDED TO THE LIST OF COVERED DURABLE MEDICAL EQUIPMENT UNDER THE MEDICARE PROGRAM, UPON AN EVALUATION BY THE MEDICARE PROGRAM TO DEMONSTRATE THAT GRAB BARS MEET THE FIVE REQUIREMENTS OF DURABLE MEDICAL EQUIPMENT, THEREBY DRAMATICALLY REDUCING THE 31.3 BILLION DOLLARS IN ANNUAL MEDICARE COSTS DUE TO FALLS; AND BE IT FURTHER

RESOLVED, THAT THE SENIOR LEGISLATURE OF THE STATE OF CALIFORNIA RESPECTFULLY MEMORIALIZES THE FEDERAL GOVERNMENT TO ADOPT APPROPRIATE REGULATIONS FOR THE MEDICARE PROGRAM, OR TO ENACT APPROPRIATE LEGISLATION, THAT WOULD ADDRESS THE CONCERNS SET FORTH IN THIS MEASURE; AND BE IT FURTHER

RESOLVED, THAT A COPY OF THIS MEASURE BE TRANSMITTED TO THE PRESIDENT AND VICE PRESIDENT, THE SENATE MAJORITY LEADER, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, THE CHAIRPERSONS OF THE HOUSE AND SENATE COMMITTEES ON AGING, AND TO EACH SENATOR AND REPRESENTATIVE FROM CALIFORNIA IN THE CONGRESS OF THE UNITED STATES.