

AM07004

A motion by New Jersey to amend the definition of durable medical equipment:

“Durable medical equipment” (Effective on and after January 1, 2008) means equipment including repair and replacement parts for same, but does not include “mobility enhancing equipment,” which:

- A. Can withstand repeated use; and
- B. Is primarily and customarily used to serve a medical purpose; and
- C. Generally is not useful to a person in the absence of illness or injury; and
- D. Is not worn in or on the body.

A member state may limit its exemption to “durable medical equipment:”

- A. By requiring a prescription;
- B. Based on Medicare or Medicaid payments or reimbursement; or
- C. For home use.

A member state may limit the exemption using any combination of the above but in no case shall an exemption certificate be required.

A member state may exclude from repair and replacement parts as used in this definition, accessories or attachments which can withstand repeated use but are for single patient use only.

A member state may exclude from the product definition of “durable medical equipment” any of the following for purposes enacting a product-based exemption:

1. Oxygen delivery equipment not worn in or on the body, including repair and replacement parts;
2. Kidney dialysis equipment not worn in or on the body, including repair and replacement parts; or
3. Enteral feeding systems not worn in or on the body, including repair and replacement parts.

A member state choosing to enact a product-based exemption for oxygen delivery equipment, kidney dialysis equipment, or enteral feeding systems, if those items are not worn in or on the body, must also enact a product-based exemption for oxygen delivery equipment, kidney dialysis equipment, or enteral feeding systems, if those are worn in or on the body.

A member state may limit the product-based exemption for oxygen delivery equipment, kidney dialysis equipment, or enteral feeding systems using any combination of the following:

- a. By requiring a prescription;
- b. Based on Medicare or Medicaid payments or reimbursement; or
- c. For home use.