

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.

Repair and replacement parts as used in this definition include all components or attachments used in conjunction with the Durable Medical Equipment. A member state may exclude from repair and replacement parts items which 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.