

1 A bill to be entitled
 2 An act relating to wheeled mobility devices; providing a
 3 popular name; providing definitions; providing
 4 requirements for the provision of prescribed wheeled
 5 mobility devices by organizations providing home health,
 6 home medical equipment, hospice, or professional support
 7 services to patients on an outpatient basis in either
 8 their regular or temporary place of residence; providing
 9 an effective date.

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11 Be It Enacted by the Legislature of the State of Florida:

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13 Section 1. Wheeled mobility devices; provision by home
 14 care organizations; requirements.--

15 (1) POPULAR NAME.--This section may be cited as the
 16 "Consumer Protection Act for Wheeled Mobility."

17 (2) DEFINITIONS.--As used in this section, the term:

18 (a) "Assistive technology practitioner" or "ATP" means a
 19 service provider primarily involved in evaluating the consumer's
 20 needs and training in the use of a prescribed wheeled mobility
 21 device.

22 (b) "Assistive technology supplier" or "ATS" means a
 23 service provider involved in the sale and service of
 24 commercially available wheeled mobility devices.

25 (c) "Credentialed wheeled mobility person" means:

26 1. A health care practitioner licensed under chapter 458
 27 or chapter 459, Florida Statutes;

28 2. An individual who has obtained the designation of ATP
 29 or ATS, meeting all requirements thereof, as established by the

HB 1051

2004

30 Rehabilitation Engineering and Assistive Technology Society of
 31 North America (RESNA); or

32 3. An individual who has met the following requirements
 33 and provides to the home care organization providing prescribed
 34 wheeled mobility devices, where the individual is on staff:

35 a. Documentation to prove the completion of at least 15
 36 hours of continuing education within the 12 months immediately
 37 prior to July 1, 2004, and by June 30 of all subsequent years,
 38 in the field of seating and wheeled mobility, which may include,
 39 but is not limited to:

40 (I) Courses by health care professionals;

41 (II) Courses by health care associations;

42 (III) Courses by a college or university;

43 (IV) Courses by manufacturers;

44 (V) Inservice training by manufacturers; or

45 (VI) Attendance at symposia or conferences.

46 b. Proof of at least 1 year's experience in the field of
 47 rehabilitation technology.

48 c. Three recommendations from health care practitioners
 49 licensed under chapter 458 or chapter 459, Florida Statutes, who
 50 can attest to the skills of the provider in seating and wheeled
 51 mobility.

52 (d) "Evaluation" means the determination and documentation
 53 of the physiological and functional factors that impact the
 54 selection of an appropriate seating and wheeled mobility device.

55 (e) "Home care organization" means an organization that
 56 provides home health services under part IV of chapter 400,
 57 Florida Statutes, hospice services under part VI of chapter 400,
 58 Florida Statutes, home medical equipment services under part X

HB 1051

2004

59 of chapter 400, Florida Statutes, or professional support
 60 services as defined in paragraph (f) to patients on an
 61 outpatient basis in either their regular or temporary place of
 62 residence. An entity is a "home care organization" if it does
 63 any of the following:

64 1. Holds itself out to the public as providing home health
 65 services, home medical equipment services, or hospice services.

66 2. Contracts or agrees to deliver home health services,
 67 home medical equipment services, or hospice services.

68 3. Accepts, in the organization's name, physician orders
 69 for home health services, home medical equipment services, or
 70 hospice services.

71 4. Accepts responsibility for the delivery of home health
 72 services, home medical equipment services, or hospice services.

73 5. Contracts to provide professional support services with
 74 the Agency for Health Care Administration under chapter 393,
 75 Florida Statutes.

76 (f) "Professional support services" means nursing services
 77 under chapter 464, Florida Statutes, speech-language pathology
 78 or audiology services under part I of chapter 468, Florida
 79 Statutes, occupational therapy under part III of chapter 468,
 80 Florida Statutes, or physical therapy services under chapter
 81 486, Florida Statutes, provided to individuals with mental
 82 retardation or developmental disabilities pursuant to a contract
 83 with the Agency for Health Care Administration under chapter
 84 393, Florida Statutes.

85 (g) "Wheeled mobility device" means a wheelchair or
 86 wheelchair and seated positioning system prescribed by a
 87 physician licensed under chapter 458, Florida Statutes, or an

HB 1051

2004

88 osteopathic physician licensed under chapter 459, Florida
 89 Statutes, and required for use by the patient for a period of 6
 90 months or more. The following Medicare wheelchair base codes are
 91 exempt from this definition: K0001, K0002, K0003, K0004, and
 92 K0006.

93 (3) PRESCRIBED WHEELED MOBILITY DEVICES; PROVISION BY HOME
 94 CARE ORGANIZATIONS.--

95 (a) Each home care organization providing a prescribed
 96 wheeled mobility device in this state must have on staff a
 97 credentialed wheeled mobility person.

98 (b) Each home care organization providing a prescribed
 99 wheeled mobility device in this state must obtain for the
 100 recipient of the device a complete written evaluation and
 101 recommendation by a credentialed wheeled mobility person or
 102 physical or occupational therapist.

103 (c) Beginning January 1, 2007, each home care organization
 104 providing a prescribed wheeled mobility device in this state
 105 must obtain for the recipient of the device a complete written
 106 evaluation and recommendation by a credentialed wheeled mobility
 107 person who is, at minimum, a health care practitioner licensed
 108 under chapter 458 or chapter 459, Florida Statutes, or a person
 109 who has obtained the designation of ATP or ATS.

110 Section 2. This act shall take effect July 1, 2004.