

By Senator Klein

30-1491-04

See HB

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

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

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15           Section 1. Wheeled mobility devices; provision by home  
16 care organizations; requirements.--

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

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

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

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

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

28           1. A health care practitioner licensed under chapter  
29 458 or chapter 459, Florida Statutes;

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

1 by the Rehabilitation Engineering and Assistive Technology  
2 Society of North America (RESNA); or  
3 3. An individual who has met the following  
4 requirements and provides to the home care organization  
5 providing prescribed wheeled mobility devices, where the  
6 individual is on staff:  
7 a. Documentation to prove the completion of at least  
8 15 hours of continuing education within the 12 months  
9 immediately prior to July 1, 2004, and by June 30 of all  
10 subsequent years, in the field of seating and wheeled  
11 mobility, which may include, but is not limited to:  
12 (I) Courses by health care professionals;  
13 (II) Courses by health care associations;  
14 (III) Courses by a college or university;  
15 (IV) Courses by manufacturers;  
16 (V) Inservice training by manufacturers; or  
17 (VI) Attendance at symposia or conferences.  
18 b. Proof of at least 1 year's experience in the field  
19 of rehabilitation technology.  
20 c. Three recommendations from health care  
21 practitioners licensed under chapter 458 or chapter 459,  
22 Florida Statutes, who can attest to the skills of the provider  
23 in seating and wheeled mobility.  
24 (d) "Evaluation" means the determination and  
25 documentation of the physiological and functional factors that  
26 impact the selection of an appropriate seating and wheeled  
27 mobility device.  
28 (e) "Home care organization" means an organization  
29 that provides home health services under part IV of chapter  
30 400, Florida Statutes, hospice services under part VI of  
31 chapter 400, Florida Statutes, home medical equipment services

1 under part X of chapter 400, Florida Statutes, or professional  
2 support services as defined in paragraph (f) to patients on an  
3 outpatient basis in either their regular or temporary place of  
4 residence. An entity is a "home care organization" if it does  
5 any of the following:

6 1. Holds itself out to the public as providing home  
7 health services, home medical equipment services, or hospice  
8 services.

9 2. Contracts or agrees to deliver home health  
10 services, home medical equipment services, or hospice  
11 services.

12 3. Accepts, in the organization's name, physician  
13 orders for home health services, home medical equipment  
14 services, or hospice services.

15 4. Accepts responsibility for the delivery of home  
16 health services, home medical equipment services, or hospice  
17 services.

18 5. Contracts to provide professional support services  
19 with the Agency for Health Care Administration under chapter  
20 393, Florida Statutes.

21 (f) "Professional support services" means nursing  
22 services under chapter 464, Florida Statutes, speech-language  
23 pathology or audiology services under part I of chapter 468,  
24 Florida Statutes, occupational therapy under part III of  
25 chapter 468, Florida Statutes, or physical therapy services  
26 under chapter 486, Florida Statutes, provided to individuals  
27 with mental retardation or developmental disabilities pursuant  
28 to a contract with the Agency for Health Care Administration  
29 under chapter 393, Florida Statutes.

30 (g) "Wheeled mobility device" means a wheelchair or  
31 wheelchair and seated positioning system prescribed by a

1 physician licensed under chapter 458, Florida Statutes, or an  
2 osteopathic physician licensed under chapter 459, Florida  
3 Statutes, and required for use by the patient for a period of  
4 6 months or more. The following Medicare wheelchair base codes  
5 are exempt from this definition: K0001, K0002, K0003, K0004,  
6 and K0006.

7 (3) PRESCRIBED WHEELED MOBILITY DEVICES; PROVISION BY  
8 HOME CARE ORGANIZATIONS.--

9 (a) Each home care organization providing a prescribed  
10 wheeled mobility device in this state must have on staff a  
11 credentialed wheeled mobility person.

12 (b) Each home care organization providing a prescribed  
13 wheeled mobility device in this state must obtain for the  
14 recipient of the device a complete written evaluation and  
15 recommendation by a credentialed wheeled mobility person or  
16 physical or occupational therapist.

17 (c) Beginning January 1, 2007, each home care  
18 organization providing a prescribed wheeled mobility device in  
19 this state must obtain for the recipient of the device a  
20 complete written evaluation and recommendation by a  
21 credentialed wheeled mobility person who is, at minimum, a  
22 health care practitioner licensed under chapter 458 or chapter  
23 459, Florida Statutes, or a person who has obtained the  
24 designation of ATP or ATS.

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

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