

By the Committee on Health, Aging, and Long-Term Care; and
Senator Klein

317-2441-04

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 physician licensed under chapter 458, Florida
29 Statutes, an osteopathic physician licensed under chapter 459,
30 Florida Statutes, an occupational therapist licensed under
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1 chapter 468, Florida Statutes, or a physical therapist
2 licensed under chapter 486, Florida Statutes;
3 2. An individual who has obtained the designation of
4 ATP or ATS, meeting all requirements thereof, as established
5 by the Rehabilitation Engineering and Assistive Technology
6 Society of North America (RESNA); or
7 3. An individual who has met the following
8 requirements and provides to the home care organization
9 providing prescribed wheeled mobility devices, where the
10 individual is on staff:
11 a. Documentation to prove the completion of at least
12 15 hours of continuing education within the 12 months
13 immediately prior to July 1, 2004, and by June 30 of all
14 subsequent years, in the field of seating and wheeled
15 mobility, which may include, but is not limited to:
16 (I) Courses by health care professionals;
17 (II) Courses by health care associations;
18 (III) Courses by a college or university;
19 (IV) Courses by manufacturers;
20 (V) Inservice training by manufacturers; or
21 (VI) Attendance at symposia or conferences.
22 b. Proof of at least 1 year's experience in the field
23 of rehabilitation technology.
24 c. Three recommendations from health care
25 practitioners licensed under chapter 458 or chapter 459,
26 Florida Statutes, who can attest to the skills of the provider
27 in seating and wheeled mobility.
28 (d) "Evaluation" means the determination and
29 documentation of the physiological and functional factors that
30 impact the selection of an appropriate seating and wheeled
31 mobility device.

1 (e) "Home care organization" means an organization
2 that provides home health services under part IV of chapter
3 400, Florida Statutes, hospice services under part VI of
4 chapter 400, Florida Statutes, home medical equipment services
5 under part X of chapter 400, Florida Statutes, or professional
6 support services as defined in paragraph (f) to patients on an
7 outpatient basis in either their regular or temporary place of
8 residence. An entity is a "home care organization" if it does
9 any of the following:

10 1. Holds itself out to the public as providing home
11 health services, home medical equipment services, or hospice
12 services.

13 2. Contracts or agrees to deliver home health
14 services, home medical equipment services, or hospice
15 services.

16 3. Accepts, in the organization's name, physician
17 orders for home health services, home medical equipment
18 services, or hospice services.

19 4. Accepts responsibility for the delivery of home
20 health services, home medical equipment services, or hospice
21 services.

22 5. Contracts to provide professional support services
23 with the Agency for Health Care Administration under chapter
24 393, Florida Statutes.

25 (f) "Professional support services" means nursing
26 services under chapter 464, Florida Statutes, speech-language
27 pathology or audiology services under part I of chapter 468,
28 Florida Statutes, occupational therapy under part III of
29 chapter 468, Florida Statutes, or physical therapy services
30 under chapter 486, Florida Statutes, provided to individuals
31 with mental retardation or developmental disabilities pursuant

1 to a contract with the Agency for Health Care Administration
2 under chapter 393, Florida Statutes.

3 (g) "Wheeled mobility device" means a wheelchair or
4 wheelchair and seated positioning system prescribed by a
5 physician licensed under chapter 458, Florida Statutes, or an
6 osteopathic physician licensed under chapter 459, Florida
7 Statutes, and required for use by the patient for a period of
8 6 months or more. The following Medicare wheelchair base codes
9 are exempt from this definition: K0001, K0002, K0003, K0004,
10 and K0006.

11 (3) PRESCRIBED WHEELED MOBILITY DEVICES; PROVISION BY
12 HOME CARE ORGANIZATIONS.--

13 (a) Each home care organization providing a prescribed
14 wheeled mobility device in this state must have on staff a
15 credentialed wheeled mobility person.

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

21 (c) Beginning January 1, 2007, each home care
22 organization providing a prescribed wheeled mobility device in
23 this state must obtain for the recipient of the device a
24 complete written evaluation and recommendation by a
25 credentialed wheeled mobility person who is, at minimum, a
26 physician licensed under chapter 458, Florida Statutes, an
27 osteopathic physician licensed under chapter 459, Florida
28 Statutes, an occupational therapist licensed under chapter
29 468, Florida Statutes, a physical therapist licensed under
30 chapter 486, Florida Statutes, or a person who has obtained
31 the designation of ATP or ATS.

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

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3 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
4 COMMITTEE SUBSTITUTE FOR
5 Senate bill 2236

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7 The Committee Substitute expands the definition of
8 "credentialed wheeled mobility person" to include an
9 occupational therapist licensed under chapter 468, F.S., and a
10 physical therapist licensed under chapter 486, F.S.

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