

SECOND REGULAR SESSION

HOUSE BILL NO. 1619

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES HOLAND (Sponsor) AND THRELKELD (Co-sponsor).

Read 1st time March 3, 2004, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

4594L.011

AN ACT

To amend chapter 407, RSMo, by adding thereto two new sections relating to the consumer protection act for wheeled mobility.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 407, RSMo, is amended by adding thereto two new sections, to be
2 known as section 407.945 and 407.947, to read as follows:

**407.945. 1. Sections 407.945 and 407.947 shall be known and may be cited as the
2 "Consumer Protection Act for Wheeled Mobility".**

3 2. As used in sections 407.945 and 407.947, the following terms mean:

**4 (1) "Assistive technology supplier" or "ATS", service providers involved in the sale
5 and service of commercially available wheeled mobility systems;**

**6 (2) "Assistive technology practitioner" or "ATP", therapists or other allied health
7 professionals primarily involved in evaluating the consumer's needs and training in use of
8 a prescribed wheeled mobility system;**

9 (3) "Consumer", the ultimate recipient of a wheeled mobility system;

**10 (4) "Health care professional", a licensed medical doctor board certified in other
11 than primary care, physical therapist (PT), occupational therapist (OT), or other allied
12 health care professional that performs physical evaluations within their scope of practice;**

**13 (5) "Physical evaluation", the determination and documentation of the
14 physiological, functional, and environmental factors that impact the selection of an
15 appropriate seating and wheeled mobility system;**

16 (6) "Qualified rehabilitation professional":

**17 (a) An individual who has appropriately obtained the designation of "ATS",
18 "ATP", or "RET", meeting all requirements thereof, as established by the Rehabilitation**

19 **Engineering and Assistive Technology Society of North America (RESNA); or**

20 **(b) An individual who has met the following requirements:**

21 **a. Provides documentation to prove completion of at least fifteen hours of**
22 **continuing education within the twelve months immediately prior to July 1, 2005, and all**
23 **other subsequent years thereafter by June thirtieth, in the field of seating and wheeled**
24 **mobility, which may include, but is not limited to, the following:**

25 **(i) Courses by health care professional;**

26 **(ii) Courses by health care associations;**

27 **(iii) Courses by a college or university;**

28 **(iv) Courses by manufacturers;**

29 **(v) In-service training by manufacturers; or**

30 **(vi) Attendance at symposiums or conferences;**

31 **b. Provide proof of at least one year experience in the field of rehabilitation**
32 **technology; and**

33 **c. Provide three recommendations from health care professionals who can attest**
34 **to the skills of the provider in seating and wheeled mobility;**

35 **(7) "Rehabilitation engineering technologist" or "RET", a person who applies**
36 **engineering principles to the design, modification, or customization of wheeled mobility**
37 **systems;**

38 **(8) "Technology assessment", the process and documentation of matching the**
39 **pathology, history, and prognosis of the patient to the appropriate wheeled mobility**
40 **system;**

41 **(9) "Wheeled mobility system", a power or manual mobility system, including:**

42 **(a) Seated positioning components; or**

43 **(b) Manual or powered seating options; or**

44 **(c) Alternative driving controls or multiadjustment frames; or**

45 **(d) Nonstandard performance options; or**

46 **(e) Other complex or specialized components; and**

47 **(f) Prescribed by a physician and required for use by the patient for a period of six**
48 **months or more.**

407.947. 1. All companies or organizations providing any prescribed wheeled
2 **mobility system or any manual or powered wheelchair or power-operated vehicle shall**
3 **comply with the provisions of this section when provided a wheeled mobility system to a**
4 **primary consumer who:**

5 **(1) Is less than twenty-one years of age; or**

6 **(2) Has a medical condition or diagnosis which results from childhood or adult**

7 onset injury or trauma; or

8 (3) Has a medical condition or diagnosis which is progressive and/or degenerative
9 in nature; or

10 (4) Has a medical condition or diagnosis which is neuromuscular in nature; or

11 (5) Requires adaptive seating or positioning equipment; or

12 (6) Has a medical condition or diagnosis that indicates a need for other assistive
13 technology such as speech generating devices or environmental controls.

14 2. Any person seeking to obtain a wheeled mobility system shall obtain a medical
15 evaluation and prescription from an appropriate licensed medical doctor not employed by
16 the system provider who shall provide a written medical report of such physical evaluation
17 to be included in the person's medical record and, with the consent of such person, released
18 to and maintained on file by the supplier.

19 3. All home care organizations making available technology assessments on
20 prescribed wheeled mobility systems shall have a physical location with a working
21 telephone and a qualified rehabilitation professional on staff.

22 4. Qualified rehabilitation professionals shall perform a complete face-to-face
23 technology assessment with the consumer based upon the physical evaluation required in
24 subsection 2 of this section and shall document in writing the recommendations for a
25 wheeled mobility system that is appropriate to meet the needs of the consumer.

26 5. A one hundred eighty day grace period shall be provided to home care
27 organizations that provide technology assessments on prescribed wheeled mobility systems
28 if the qualified rehabilitation professional on staff ceases to be employed and the
29 organization has no other qualified rehabilitation professional on staff. During the grace
30 period, the 2005 qualified rehabilitation standards shall apply.

31 6. Beginning July 1, 2008, the qualified rehabilitation professional shall be
32 Rehabilitation Engineering and Assistive Technology Society of North America (RESNA)
33 certified with the designation of "ATS, "ATP", or "RET".

34 7. Delivery, fitting, and follow-up of the wheeled mobility system shall be
35 determined by a qualified rehabilitation professional.

36 8. The provisions of sections 407.945 and 407.947 shall become effective July 1,
37 2005.