

SECOND REGULAR SESSION

# HOUSE BILL NO. 1757

## 93RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES WASSON (Sponsor), CUNNINGHAM (145),  
WELLS AND YAEGER (Co-sponsors).

Read 1st time February 14, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

5030L.01I

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### AN ACT

To amend chapter 407, RSMo, by adding thereto one new section relating to wheeled mobility.

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

Section A. Chapter 407, RSMo, is amended by adding thereto one new section, to be  
2 known as section 407.972, to read as follows:

**407.972. 1. This section shall be known and may be cited as the "Consumer  
2 Protection Act for Wheeled Mobility".**

**3 2. As used in this section, the following terms shall 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", an individual for which a wheeled mobility system, manual or  
10 power wheelchair, or power operated vehicle, has been prescribed by a physician and  
11 required for use for a period of six months or more, to an individual with the following:**

**12 (a) Is less than twenty-one years of age;**

**13 (b) Has a medical condition or diagnosis which results from childhood or adult  
14 onset injury or trauma;**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended  
to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

- 15 (c) Has a medical condition or diagnosis which is progressive or degenerative in  
16 nature;
- 17 (d) Has a medical condition or diagnosis which is neuromuscular in nature;
- 18 (e) Requires adaptive seating or positioning equipment; or
- 19 (f) Has a medical condition or diagnosis that indicates a need for other assistive  
20 technology, such as speech generating devices or environmental controls;
- 21 (4) "Healthcare professional", a board certified licensed medical doctor, physical  
22 therapist (PT), occupational therapist (OT), or another allied healthcare professional that  
23 performs physical evaluations within his or her scope of practice;
- 24 (5) "Physical evaluation", the determination and documentation of the  
25 physiological, functional, and environmental factors that impact the selection of an  
26 appropriate seating and wheeled mobility system;
- 27 (6) "Qualified rehabilitation technology professional", an individual who has:
- 28 (a) Appropriately obtained the designation of ATS, ATP, or RET, meeting all  
29 requirements thereof, as established by the Rehabilitation Engineering and Assistive  
30 Technology Society of North America (RESNA); and
- 31 (b) Met the following requirements:
- 32 a. Provided documentation to prove the completion of at least fifteen hours of  
33 continuing education within the twelve months immediately preceding July 1, 2006, and  
34 all other subsequent years thereafter by June thirteenth, in the field of seating and wheeled  
35 mobility, which may include, but is not limited to, the following:
- 36 (i) Courses by healthcare professionals;
- 37 (ii) Courses by healthcare associations;
- 38 (iii) Courses by a college or university;
- 39 (iv) Courses by manufacturers;
- 40 (v) In-service training by manufacturers; or
- 41 (vi) Attendance at symposiums or conferences;
- 42 b. Provided proof of at least one-year experience in the field of rehabilitation and  
43 technology; and
- 44 c. Provided three recommendations from healthcare professionals who can attest  
45 to the skills of the provider in seating and wheeled mobility;
- 46 (7) "Rehabilitation engineering technologist" or "RET", a person who applies  
47 engineering principles to the design, modification, or customization of wheeled mobility  
48 systems;
- 49 (8) "Supervise", supervision that includes review of work and ready availability  
50 for instruction, advice, and assistance;

51           (9) "Technology assessment", the process and documentation of matching the  
52 pathology, history, and prognosis of the patient to the appropriate wheeled mobility  
53 system;

54           (10) "Wheeled mobility system", a power or manual system including:

55           (a) Seated positioning components;

56           (b) Manual or powered seating options;

57           (c) Alternative driving controls or multiadjustment frames;

58           (d) Nonstandard performance options;

59           (e) Other complex or specialized components; and

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

62           3. On or after July 1, 2007, all companies or organizations providing any  
63 prescribed wheeled mobility system or any manual or powered wheelchair or power-  
64 operated vehicle shall comply with the provisions of this section when providing a wheeled  
65 mobility system to a primary consumer.

66           4. Any consumer seeking to obtain a wheeled mobility system shall obtain a  
67 prescription from a licensed medical doctor. The licensed medical doctor shall perform or  
68 order a physical evaluation by a physical therapist, occupational therapist, or another  
69 allied healthcare professional that performs physical evaluations within his or her scope  
70 of practice that is not employed by the supplier.

71           5. All suppliers making available technology assessments on prescribed wheeled  
72 mobility systems shall have a physical location with a working telephone within the state  
73 or within one hundred and fifty miles of a client's home and shall have a qualified  
74 rehabilitation technology professional on staff with a repair service department on the  
75 premises and open during business hours.

76           6. Qualified rehabilitation technology professionals shall perform a face-to-face  
77 technology assessment and document, in writing, the recommendations for a wheeled  
78 mobility system that meets the needs of the consumer.

79           7. On or after July 1, 2009, a one hundred eighty-day grace period shall be  
80 provided to supplier organizations that provide technology assessments on prescribed  
81 wheeled mobility systems if the qualified rehabilitation technology professional on staff  
82 ceases to be employed and the organization has no other qualified rehabilitation technology  
83 professional on staff. During the grace period, the standards set forth in subsection 3 of  
84 this section shall apply.

85           8. On or after July 1, 2009, the qualified rehabilitation technology professional shall  
86 be certified with RESNA with the designation of an ATS, ATP, or RET.

87           **9. A qualified rehabilitation technology professional shall be present at or supervise**  
88 **the final delivery, fitting, and follow-up of the wheeled mobility system.**

89           **10. This section shall become effective July 1, 2007.**

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