

**CHAPTER NO. 121**

**SENATE BILL NO. 1023**

**By McLeary, Burks, Haynes**

**Substituted for: House Bill No. 669**

**By Michael Turner, Sherry Jones, Harwell, Odom, Shepard, West, Lynn, McDonald**

AN ACT to amend Tennessee Code Annotated, Title 47; Title 63 and Title 68, to enact the "Consumer Protection Act for Wheeled Mobility".

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This act shall be known and may be cited as the "Consumer Protection Act for Wheeled Mobility".

SECTION 2. Tennessee Code Annotated, Section 68-11-201, is amended by adding the following items thereto to be appropriately designated:

( ) "Assistive technology supplier (ATS)" means service providers involved in the sale and service of commercially available wheeled mobility devices;

( ) "Assistive technology practitioner (ATP)" means service providers primarily involved in evaluating the consumer's needs and training in the use of a prescribed wheeled mobility device;

( ) "Credentialed Wheeled Mobility Person" means:

(A) A health care professional licensed under Title 63;

(B) An individual who has appropriately obtained the designation of ATS or ATP, meeting all requirements thereof, as established by the Rehabilitation Engineering and Assistive Technology Society of North America (RESNA); or

(C) An individual who has met the following requirements and provides to the home care organization providing prescribed wheeled mobility devices, where the individual is on staff:

(i) Documentation to prove the completion of at least fifteen (15) hours of continuing education within the twelve (12) months immediately prior to July 1, 2004, and by June 30 of all subsequent years, in the field of seating and wheeled mobility, which may include, but is not limited to:

(a) Courses by health care professionals;

(b) Courses by health care associations;

(c) Courses by a college or university;

- (d) Courses by manufacturers;
- (e) In-service training by manufacturers; or
- (f) Attendance at symposia or conferences.

(ii) Proof of at least one-year's experience in the field of rehabilitation technology; and

(iii) Three (3) recommendations from health care professionals licensed under Title 63 who can attest to the skills of the provider in seating and wheeled mobility.

( ) "Evaluation" means the determination and documentation of the physiological and functional factors that impact the selection of an appropriate seating and wheeled mobility device;

( ) "Wheeled Mobility Device" means a wheelchair or wheelchair and seated positioning system prescribed by a physician and required for use by the patient for a period of six (6) months or more. The following Medicare wheelchair base codes are exempt: K0001, K0002, K0003, K0004, and K0006.

SECTION 3. Tennessee Code Annotated, Section 68-11-226, is amended by adding the following language as a new subsection (d):

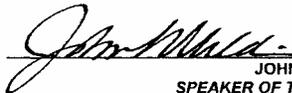
(d)(1) On and after July 1, 2004, all home care organizations providing prescribed wheeled mobility devices in this state shall have on staff a credentialed wheeled mobility person.

(2) Starting July 1, 2004, home care organizations providing prescribed wheeled mobility devices shall obtain a complete written evaluation and recommendation by a credentialed wheeled mobility person or physical therapist (PT) or occupational therapist (OT) for recipients of prescribed wheeled mobility devices.

(3) Starting January 1, 2007, home care organizations providing prescribed wheeled mobility devices shall obtain a complete written evaluation and recommendation by a credentialed wheeled mobility person, who shall be, at a minimum, a health care professional licensed under Title 63 or a person who has appropriately obtained the designation of ATP or ATS, for recipients of prescribed wheeled mobility devices.

SECTION 4. This act shall take effect July 1, 2003, the public welfare requiring it.

PASSED: April 28, 2003

  
JOHN S. WILDER  
SPEAKER OF THE SENATE

  
JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

APPROVED this 13<sup>th</sup> day of May 2003

  
PHIL BREDESEN, GOVERNOR