

ENROLLED HOUSE
BILL NO. 2703

By: Steele, McAffrey, Pittman,
Lindley, Enns and Sherrer
of the House

and

Johnson (Constance) of the
Senate

An Act relating to poor persons; establishing the Consumer Protection for Wheeled Mobility Act; defining terms; providing for certain requirements on Medicaid claims for wheeled mobility after certain date upon certain circumstance; directing the Oklahoma Health Care Authority to promulgate rules; providing for codification; providing an effective date; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1015.1 of Title 56, unless there is created a duplication in numbering, reads as follows:

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

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1015.2 of Title 56, unless there is created a duplication in numbering, reads as follows:

As used in the Consumer Protection for Wheeled Mobility Act:

1. "Assistive technology practitioner" or "ATP" means a for-service provider who is involved in analysis of the needs and

training of a consumer in the use of a particular assistive technology device;

2. "Assistive technology supplier" or "ATS" means a service provider involved in the sale and service of rehabilitation equipment or commercially available assistive technology products and devices;

3. "RESNA" means the Rehabilitation Engineering and Assistive Technology Society of North America; and

4. "Specialty evaluation" means the determination and documentation of the consumer's pathology, history and prognosis, and the physiological, functional, and environmental factors that impact the selection of an appropriate wheeled mobility system.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1015.3 of Title 56, unless there is created a duplication in numbering, reads as follows:

A. Contingent upon the availability of funding, for Medicaid claims with dates of service on or after April 1, 2009, on all purchased wheeled mobility, the patient shall either have:

1. A specialty evaluation that was performed by a licensed or certified medical professional, such as a physical therapist, occupational therapist, or physician who has specific training and experience in rehabilitation wheelchair evaluations, and that documents the medical necessity for the wheelchair and its special features; or

2. The wheelchair provided by a supplier that employs a RESNA-certified assistive technology supplier or assistive technology practitioner who specializes in wheelchairs and who has direct, in-person involvement in the wheelchair selection for the patient; and

3. Met the requirements for medical necessity as determined and approved by the Oklahoma Health Care Authority.

B. The Oklahoma Health Care Authority shall promulgate rules to implement the Consumer Protection Act for Wheeled Mobility in accordance with the Consumer Protection Act for Wheeled Mobility.

SECTION 4. This act shall become effective July 1, 2008.

SECTION 5. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 23rd day of May, 2008.

Presiding Officer of the House of
Representatives

Passed the Senate the 23rd day of May, 2008.

Presiding Officer of the Senate