

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 SENATE BILL 1886

By: Johnson (Constance)

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6 AS INTRODUCED

7 An Act relating to poor persons; creating the
8 Consumer Protection Act for Wheeled Mobility;
9 providing short title; defining terms; requiring
10 certain evaluation or supplier for specified Medicaid
11 claims for wheeled mobility; directing the Oklahoma
12 Health Care Authority Board to promulgate rules;
13 providing for codification; providing an effective
14 date; and declaring an emergency.

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

15 SECTION 1. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 651 of Title 56, unless there is
17 created a duplication in numbering, reads as follows:

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

20 SECTION 2. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 652 of Title 56, unless there is
22 created a duplication in numbering, reads as follows:

23 As used in the Consumer Protection Act for Wheeled Mobility:
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1 1. "Assistive technology supplier" means a service provider
2 involved in the sale and service of rehabilitation equipment or
3 commercially available assistive technology products or devices;

4 2. "Assistive technology practitioner" means a for-service
5 provider who is involved in the analysis of a consumer's needs and
6 training in the use of a particular assistive technology device;

7 3. "Health care professional" means a physical therapist,
8 occupational therapist, assistive technology practitioner, or other
9 credentialed professional who performs specialty evaluations within
10 the health care professional's scope of practice;

11 4. "Member" means an individual for whom a wheeled mobility
12 system has been prescribed; and

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

17 SECTION 3. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 653 of Title 56, unless there is
19 created a duplication in numbering, reads as follows:

20 For Medicaid claims with dates of service on or after April 1,
21 2009, on all purchased wheeled mobility, the member shall either
22 have:

23 1. A specialty evaluation that was performed by a licensed or
24 certified health care professional, such as a physical therapist or

1 occupational therapist, or a physician who has specific training and
2 experience in rehabilitation wheelchair evaluations and who
3 documents the medical necessity for the wheelchair and its special
4 features; or

5 2. A wheelchair provided by:

6 a. a supplier certified by the Rehabilitation Engineering
7 and Assistive Technology Society of North America
8 which has direct, in-person involvement in the
9 wheelchair selection for the member, or

10 b. a supplier which employs an assistive technology
11 practitioner certified by the Rehabilitation
12 Engineering and Assistive Technology Society of North
13 America or an assistive technology practitioner who
14 specializes in wheelchairs and which has direct, in-
15 person involvement in the wheelchair selection for the
16 member.

17 SECTION 4. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 654 of Title 56, unless there is
19 created a duplication in numbering, reads as follows:

20 The Oklahoma Health Care Authority Board shall promulgate rules
21 as necessary to implement the provisions of this act.

22 SECTION 5. This act shall become effective July 1, 2008.

23 SECTION 6. It being immediately necessary for the preservation
24 of the public peace, health and safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

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