

BILL ANALYSIS

Senate Research Center

S.B. 1580
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AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Persons with severe and long-term disabilities who require customized wheelchairs are vulnerable to exacerbations of their condition if they do not obtain appropriate equipment. Funds are expended in both the public and the private sectors to correct the effects of inappropriately fitted equipment. Inappropriate equipment often leads to costly and premature replacement of the equipment and may result in significant expense to address a consumer's resulting medical complications.

S.B. 1580 requires every wheelchair provider to have a qualified rehabilitation professional on staff, because professional expertise in fitting prescribed wheeled mobility systems is needed to protect consumers purchasing wheelchairs.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends the Texas [sic] Occupations Code, by adding Section 703.001, to provide that this Act shall be known and may be cited as the "Consumer Protection Act for Wheeled Mobility."

SECTION 2. Amends the Texas [sic] Occupations Code, by adding Section 703.002, to define "assistive technology supplier," "assistive technology practitioner," "consumer," "health care professional," "physical evaluation," "qualified rehabilitation professional," "rehabilitation engineering technologist," "repair service department," "technology assessment," and "wheeled mobility system."

SECTION 3. Amends the Texas [sic] Occupations Code, by adding Section 703.003, as follows:

Sec. 703.003. (a) Requires all companies or organizations, on and after July 1, 2006, to have a qualified rehabilitation professional on staff if they provide any prescribed "wheeled mobility system," or any manual or power wheelchair or power operated vehicle to a consumer under certain conditions.

(b) Requires consumers requiring a wheeled mobility system, on and after July 1, 2006, to undergo a physical evaluation by a health care professional who shall provide a written report of said evaluation to be included in the consumer's medical record and maintained on file by the organization providing the wheeled mobility system to the consumer.

(c) Requires all organizations making available technology assessments on prescribed wheeled mobility systems, on and after July 1, 2006, to have on staff a qualified rehabilitation professional.

(d) Requires qualified rehabilitation professionals, on and after July 1, 2006, to perform a complete face-to-face technology assessment of the consumer, based upon the physical evaluation required in Section (3)(2) [sic] and document, in

writing, recommendations for a wheeled mobility system as appropriate to meet the consumer's needs.

(e) Requires the delivery and final fitting of a wheeled mobility system to the consumer, on and after July 1, 2006, to be performed by a qualified rehabilitation professional or other employee determined by the qualified rehabilitation professional on staff with that organization to be appropriately trained to complete the delivery and final fitting.

(f) Requires a 90-day grace period to be provided, on and after July 1, 2009, to organizations that provide prescribed wheeled mobility systems if the qualified rehabilitation professional on staff ceases to be employed and the organization has no other qualified rehabilitation professional on staff. Requires that, during the grace period, 2005 qualified rehabilitation professional standards apply.

(g) Requires the qualified rehabilitation professional, on and after July 1, 2009, to be certified by Rehabilitation Engineering Society of North America with the designation of assistive technology supplier, assistive technology practitioner, or rehabilitation engineering technologist.

(h) Requires all organizations making available prescribed wheeled mobility systems to consumers, on and after July 1, 2006, to have a physical location within the state of Texas or within 200 miles of the consumer's residence, with a working land line telephone, staffed during working hours, and a repair service department on the premises.

SECTION 4. Amends the Texas [sic] Occupations Code, by adding Section 703.004, to provide that this Act shall take effect July 1, 2006, the public welfare requiring it.