



House of Representatives

General Assembly

File No. 518

January Session, 2025

Substitute House Bill No. 7106

House of Representatives, April 3, 2025

The Committee on Human Services reported through REP. GILCHREST of the 18th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING RECOMMENDATIONS OF AN ADVISORY COUNCIL ON WHEELCHAIR REPAIR.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 17b-278i of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2025*):

3 (a) As used in this section, (1) "customized wheelchair" means a
4 wheelchair built, designed or outfitted for a Medicaid recipient with a
5 physical disability unable to achieve maximum mobility with a
6 standard wheelchair and includes a complex rehabilitation technology
7 wheelchair, (2) "authorized wheelchair dealer", "complex rehabilitation
8 technology wheelchair", [and] "timely repair" and "emergency repair"
9 have the same meanings as provided in section 42-337, as amended by
10 this act, and (3) "medically necessary" has the same meaning as
11 provided in section 17b-259b. Customized wheelchairs shall be covered
12 under the Medicaid program only when "medically necessary" and a
13 standard wheelchair does not meet an individual's needs as determined
14 by the Department of Social Services. Wheelchair repairs and parts

15 replacements may be subject to review and approval by the department.
16 Refurbished wheelchairs, parts and components shall be utilized
17 whenever practicable. The Department of Social Services may designate
18 categories of durable medical equipment in addition to customized
19 wheelchairs for which reused equipment, parts and components shall
20 be utilized whenever practicable.

21 (b) Notwithstanding the provisions of subsection (a) of this section,
22 [on and after July 1, 2024,] the Commissioner of Social Services shall not
23 require a new prescription or prior authorization for the medically
24 necessary repair of a customized wheelchair unless the original
25 prescription for such wheelchair is more than five years old. The
26 commissioner shall provide coverage under the medical assistance
27 program for (1) the medically necessary repair or replacement of a
28 Medicaid recipient's customized wheelchair, (2) transportation by a
29 Medicaid recipient to a repair facility of an authorized wheelchair dealer
30 to repair such recipient's customized wheelchair, (3) annual preventive
31 maintenance of a Medicaid recipient's customized wheelchair, and (4)
32 payment for domestic overnight delivery or express international
33 delivery of a customized wheelchair part necessary for a repair but not
34 on the premises of the authorized wheelchair dealer making the repair.

35 (c) The commissioner shall inform Medicaid recipients who use
36 customized wheelchairs of their rights to timely and emergency repair
37 pursuant to section 42-338, as amended by this act. The commissioner
38 shall seek any federal approval necessary, including amending the
39 Medicaid state plan or applying for a Medicaid waiver, to implement
40 the provisions of this section.

41 (d) The commissioner, pursuant to section 17b-10, may implement
42 policies and procedures necessary to administer the provisions of this
43 section while in the process of adopting such policies and procedures as
44 regulations, provided the commissioner posts notice of intent to adopt
45 regulations on the eRegulations System not later than twenty days after
46 the date of implementation. Policies and procedures implemented
47 pursuant to this section shall be valid until the time final regulations are

48 adopted.

49 Sec. 2. (NEW) (*Effective January 1, 2026*) As used in this section,
50 "wheelchair" has the same meaning as provided in section 42-337 of the
51 general statutes, as amended by this act. Except as otherwise required
52 in any collective bargaining agreement, the State Comptroller shall
53 make available to an enrollee of the state employee health plan,
54 established pursuant to section 5-259 of the general statutes, coverage
55 for medically necessary wheelchairs and timely repair of such
56 wheelchairs consistent with the provisions of section 42-338 of the
57 general statutes, as amended by this act.

58 Sec. 3. Section 42-337 of the general statutes is repealed and the
59 following is substituted in lieu thereof (*Effective July 1, 2025*):

60 As used in this section and section 42-338, as amended by this act:

61 (1) "Authorized wheelchair dealer" means any company doing
62 business in the state selling or leasing wheelchairs, including complex
63 rehabilitation technology wheelchairs.

64 (2) "Complex rehabilitation technology" has the same meaning as
65 provided in section 17b-278j.

66 (3) "Complex rehabilitation technology wheelchair" means a
67 specialized, medically necessary manual or powered wheelchair
68 individually configured for the user with specialized equipment that
69 requires evaluation, configuration, fitting, adjustment, programming
70 and long-term maintenance and repair services.

71 (4) "Consumer" means the purchaser or lessee of a wheelchair,
72 including a complex rehabilitation technology wheelchair, irrespective
73 of whether the purchase or lease of the wheelchair is funded in whole
74 or in part by the consumer or privately or publicly funded health
75 insurance.

76 (5) "Emergency repair" means repair services when a wheelchair is
77 completely inoperable on weekends and holidays and may include

78 remote repair services if such service renders the wheelchair operable.

79 (6) "Systemic noncompliance" means the failure by an authorized
80 wheelchair dealer to meet timely repair requirements for more than five
81 per cent of repair requests in a thirty-day period.

82 [(5)] (7) "Timely repair" means as soon as practicable but not later
83 than ten business days after the date of request for repair from a
84 consumer, provided (A) the consumer makes the wheelchair available,
85 and (B) any prior authorization required from an insurer has been
86 acquired. [, and (C)] The timely repair period shall be tolled by any time
87 spent waiting for prior authorization from an insurer or for delivery of
88 necessary parts ordered for the repair by an authorized wheelchair
89 dealer. [shall not be included in the ten business days.]

90 [(6)] (8) "Wheelchair" means a manual or motorized wheeled device
91 that enhances the mobility or positioning of an individual with a
92 disability. [and] "Wheelchair" includes a complex rehabilitation
93 technology wheelchair but not a mobility scooter.

94 Sec. 4. Section 42-338 of the general statutes is repealed and the
95 following is substituted in lieu thereof (*Effective July 1, 2025*):

96 (a) An authorized wheelchair dealer shall timely repair a wheelchair,
97 including a complex rehabilitation technology wheelchair, sold or
98 leased by such dealer in the state and provide emergency repair when a
99 consumer's wheelchair is rendered completely inoperable. An
100 authorized wheelchair dealer who sells or leases a complex
101 rehabilitation technology wheelchair in the state shall provide timely or
102 emergency repair of such wheelchair at a consumer's home upon
103 request and, in consultation with the Office of the Healthcare Advocate,
104 shall notify consumers, in writing, of their rights pursuant to this section
105 (1) at the point and time of sale or lease of such wheelchair, (2) in an
106 annual mailing, (3) on the Internet web site of such dealer, and (4) in all
107 electronic communications with consumers.

108 (b) An authorized wheelchair dealer shall maintain an electronic mail

109 address and a phone line for consumer repair requests that are
110 accessible each business day and capable of receiving and recording
111 messages. The authorized wheelchair dealer shall (1) respond to a
112 request for wheelchair repair and assess the need for such repair not
113 later than one business day after the date of such request, [and] (2) order
114 parts for a repair not later than three business days after assessing the
115 need for the repair or after receiving prior authorization from an insurer
116 for the repair, and (3) employ sufficient staff and stock sufficient parts
117 to ensure timely repair and emergency repair, if necessary, and a
118 domestic overnight and international express delivery option for parts
119 needed for such repairs but not on the premises of such dealer. An
120 authorized wheelchair dealer shall utilize a scheduling management
121 system that offers (A) not less than twenty-four-hour notice to a
122 consumer of a nonemergency repair date and time, (B) follow-up
123 electronic mail messages to a consumer after a repair request with a
124 summary of the request and an estimate of time left before a repair is
125 completed, and (C) a contact number or electronic mail address at the
126 authorized dealer to resolve problems with the response to the repair
127 request. An authorized wheelchair dealer shall provide a written receipt
128 to a consumer upon completion of the repair that records the type of
129 repair, the date the repair was requested and the date the repair was
130 completed.

131 (c) On and after July 1, 2024, the Office of the Healthcare Advocate,
132 in consultation with the Department of Consumer Protection, shall
133 maintain a phone number and electronic mail address to be posted
134 conspicuously on the Internet web sites of the Office of the Healthcare
135 Advocate and the department, to receive and record complaints
136 regarding timely repair issues. Not later than January 1, 2025, and
137 annually thereafter, the Healthcare Advocate shall submit a report to the
138 joint standing committees of the General Assembly having cognizance
139 of matters relating to general law, human services and insurance
140 regarding the complaints received and recorded pursuant to this
141 subsection. The Office of the Healthcare Advocate shall, within
142 available appropriations, conduct a public awareness campaign to
143 inform consumers of their rights concerning timely wheelchair repair

144 under state law.

145 (d) [Not later than December 31, 2024, and annually thereafter, an]
146 An authorized wheelchair dealer that contracts with the Department of
147 Social Services to sell or lease wheelchairs to Medicaid recipients shall
148 submit a monthly report to the Commissioner of Social Services and the
149 advisory council established pursuant to section 42-339 regarding repair
150 of such wheelchairs. Not later than August 1, 2025, the advisory council
151 shall approve and disseminate to authorized wheelchair dealers a
152 uniform definition for the term "wheelchair repair technician" and
153 qualifications for such technician for use by such dealers in required
154 reporting. On and after September 1, 2025, any authorized wheelchair
155 dealer in the state, regardless of whether such dealer contracts with the
156 Department of Social Services to sell or lease wheelchairs to Medicaid
157 recipients, shall submit a monthly report and an annual report
158 compiling the data of the monthly reports to the commissioner and said
159 council. The [report] reports shall include, but need not be limited to,
160 the number and duties of such dealer's staff, including, but not limited
161 to, wheelchair repair technicians, and minimum, maximum and average
162 times from the date and time of a repair request for the authorized
163 wheelchair dealer to: (1) [respond] Respond; (2) conduct a repair
164 assessment (A) in the home or other community location, (B) remotely,
165 or (C) at a repair facility; (3) request any necessary prior authorization
166 from the Department of Social Services or a private insurer and receive
167 a decision from the department or private insurer on such request; (4)
168 order any wheelchair parts needed; (5) receive delivery of any needed
169 repair parts; and (6) complete repairs (A) in the home or other
170 community location, (B) remotely, or (C) at a repair facility.

171 (e) On and after October 1, 2025, the Commissioner of Social Services
172 may recoup or withhold Medicaid payments for an authorized
173 wheelchair dealer whose repair record for Medicaid-funded
174 wheelchairs meets the definition of systemic noncompliance provided
175 in section 42-337, as amended by this act.

176 (f) Nothing in this section shall be construed to limit the rights or

177 remedies of a consumer pursuant to sections 42-330 to 42-334, inclusive.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>July 1, 2025</i>	17b-278i
Sec. 2	<i>January 1, 2026</i>	New section
Sec. 3	<i>July 1, 2025</i>	42-337
Sec. 4	<i>July 1, 2025</i>	42-338

HS *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 26 \$	FY 27 \$
Social Services, Dept.	GF - Cost	See Below	See Below
Social Services, Dept.	GF - Potential Savings	See Below	See Below
Healthcare Advocate, Off.	IF - Cost	5,000 - 10,000	None

Note: GF=General Fund; IF=Insurance Fund

Municipal Impact: None

Explanation

Section 1 results in a cost to the Department of Social Services (DSS) related to expanding Medicaid coverage for wheelchair repairs and related transportation, annual preventive maintenance, and certain delivery costs. The extent of the costs is based on the frequency of repairs, maintenance, delivery and transportation costs and rates paid for services not currently covered under Medicaid, which cannot be determined at this time.

Section 2 mandates coverage of medically necessary wheelchairs and timely repair of such wheelchairs for enrollees on the state employee health plan which does not result in a fiscal impact as the plan already meets these requirements.

Section 4 requires the Office of the Healthcare Advocate to conduct a public awareness campaign concerning wheelchair repair laws. This results in a one-time cost of approximately \$5,000 to \$10,000 to the Insurance Fund in FY 26 associated with hiring a firm to run the campaign. Depending on the size of the campaign, the cost could be significantly higher.

Section 4 may also result in Medicaid savings or payment recoupment by DSS associated with wheelchair dealers whose repair records for Medicaid-funded wheelchairs meet the definition of noncompliance. The bill allows but does not require DSS to recoup or withhold such payments.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the frequency and extent of wheelchair repairs and related costs supported by Medicaid payments.

OLR Bill Analysis**sHB 7106*****AN ACT CONCERNING RECOMMENDATIONS OF AN ADVISORY COUNCIL ON WHEELCHAIR REPAIR.*****SUMMARY**

This bill expands requirements for companies that sell or lease wheelchairs in the state ("authorized wheelchair dealers") to address emergency repairs, customer notifications, reporting, staffing, and schedule management. Principally, it:

1. expands Medicaid and state employee health plan coverage requirements for timely wheelchair repair;
2. requires Medicaid coverage for medically necessary customized wheelchair repair or replacement, and other related costs (e.g., maintenance and shipment of needed parts);
3. starting October 1, 2025, allows the Department of Social Services (DSS) commissioner to recoup or withhold Medicaid payments for authorized wheelchair dealers who demonstrate systemic noncompliance with timely repair requirements;
4. requires authorized wheelchair dealers to (a) notify customers in writing of their rights to timely and emergency repairs and (b) employ staff and stock parts sufficient to ensure customers receive these repairs;
5. requires all authorized wheelchair dealers, instead of only those DSS contracts with, to report to DSS on their compliance with repair requirements and requires them to report monthly, instead of annually; and
6. provides that the bill's provisions do not limit a consumer's

rights and remedies under existing laws on nonconformities in assistive technology devices (e.g., refunding, repairing, or replacing defective devices).

By law, a wheelchair is a manual or motorized wheeled device that enhances a person's mobility or position, including complex rehabilitation technology (CRT) wheelchairs, which are specialized, medically necessary manual or powered wheelchairs that are individually configured for the user with specialized equipment that requires evaluation, configuration, fitting, adjustment, programming, and long-term maintenance and repair services. The bill specifies that wheelchairs do not include mobility scooters.

EFFECTIVE DATE: July 1, 2025, except provisions on state employee health plan coverage are effective January 1, 2026

WHEELCHAIR DEALER REQUIREMENTS

Timely and Emergency Repair

Existing law requires authorized wheelchair dealers to timely repair them, as soon as practicable but no later than 10 business days after the consumer requests a repair. Under current law, any time spent waiting for parts delivery or an insurer's prior authorization is excluded from the 10-day limit. The bill instead tolls the 10-day limit for any time waiting for these actions.

The bill additionally requires authorized wheelchair dealers to provide emergency repairs when a consumer's wheelchair is rendered completely inoperable. Emergency repairs are repair services on weekends and holidays and may include remote repair services if it renders the wheelchair operable. Under the bill, dealers must provide emergency repairs of CRT wheelchairs at a consumer's home upon request, as is currently required for timely repair.

Responding to Repair Requests

Current law requires wheelchair dealers to respond to repair requests within one business day after receiving them. The bill requires dealers to also assess the need for the repair within this timeframe.

Existing law also requires wheelchair dealers to (1) maintain an email address and phone line for repair requests and (2) order parts for a repair within three business days after assessing the need for a repair or receiving an insurer's prior authorization.

Staffing, Scheduling, and Receipts

The bill requires authorized wheelchair dealers to employ staff and stock parts sufficient to ensure timely repair and any needed emergency repair. Dealers must also have a domestic overnight and international express delivery option for parts needed for repairs that are not already on the dealer's premises.

Under the bill, dealers must use a scheduling management system that provides the following:

1. at least 24-hour notice to a consumer of a nonemergency repair's date and time,
2. follow-up emails to a consumer after a repair request to summarize the request and the estimated time remaining to complete it, and
3. a contact number or email address at the authorized dealer to resolve problems with its response to a repair request.

After completing a repair, the bill requires dealers to give consumers written receipts that include the repair type and the dates the repair was requested and completed.

Monthly Reports

Current law requires authorized wheelchair dealers who contract with DSS to sell or lease wheelchairs to Medicaid recipients to report to the DSS commissioner and the Complex Rehabilitation Technology and Wheelchair Repair Advisory Council on minimum, maximum, and average times to complete repairs and comply with other requirements (e.g., requesting needed insurance prior authorizations).

The bill makes this reporting requirement monthly, rather than

annual, and expands the report's required content to include the number of staff the dealer employs, including repair technicians, and their duties.

Beginning September 1, 2025, the bill also extends this monthly reporting requirement to all dealers, regardless of whether they contract with DSS, and requires them to also submit an annual report that compiles the data in the monthly reports to the DSS commissioner and the council. It makes related conforming changes.

Additionally, the bill requires the council to approve a uniform definition for the term "wheelchair repair technician" and associated qualifications for dealers to use in their reports. The council must give this information to dealers by August 1, 2025.

Notification and Public Outreach

The bill requires authorized wheelchair dealers to notify customers in writing of their rights to timely and emergency repairs when the wheelchair is sold or leased, in an annual mailing, on the dealer's website, and in all electronic communications with consumers. Dealers must do this in consultation with the Office of the Healthcare Advocate (OHA).

The bill also requires OHA, within available appropriations, to conduct a public awareness campaign to inform consumers of their rights to timely wheelchair repairs.

EXPANDED COVERAGE FOR WHEELCHAIR REPAIR

Medical Assistance Coverage

The bill requires the DSS commissioner to provide medical assistance coverage for the following services:

1. medically necessary repair or replacement of a Medicaid recipient's customized wheelchair,
2. a Medicaid recipient's transportation to an authorized wheelchair dealer's repair facility to repair a customized

wheelchair,

3. annual preventative maintenance for a Medicaid recipient's customized wheelchair, and
4. payment for domestic overnight delivery or express international delivery of a customized wheelchair part needed for a repair but not on the authorized wheelchair dealer's premises.

Existing law subjects wheelchair repairs and parts replacements to DSS's review and approval and requires DSS to provide Medicaid coverage for a customized wheelchair only when medically necessary and when it determines that a standard wheelchair does not meet a person's needs.

Under current law and the bill, the DSS commissioner may implement policies and procedures needed to administer the bill's provisions while adopting regulations.

Withholding Medicaid Reimbursement

Beginning October 1, 2025, the bill allows the DSS commissioner to recoup or withhold Medicaid payments for an authorized wheelchair dealer who demonstrates systemic noncompliance with timely repair requirements. Under the bill, systemic noncompliance means a dealer's failure to meet timely repair requirements for more than five percent of repair requests in a 30-day period.

State Employee Health Plan Coverage

The bill requires the state comptroller to provide coverage under the state employee health plan for medically necessary wheelchairs and their timely repair, as described above, unless otherwise required under a collective bargaining requirement.

BACKGROUND

Related Bill

sSB 1251, favorably reported by the Human Services Committee, makes systemic noncompliance with timely wheelchair repair

requirements a Connecticut Unfair Trade Practices Act violation.

COMMITTEE ACTION

Human Services Committee

Joint Favorable Substitute

Yea 16 Nay 6 (03/18/2025)