



General Assembly

January Session, 2025

Raised Bill No. 7106

LCO No. 5461



Referred to Committee on HUMAN SERVICES

Introduced by:
(HS)

***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 Section 17b-278i of the general statutes is repealed and the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"] "authorized wheelchair
8 or mobility scooter dealer", "complex rehabilitation technology
9 wheelchair", [and] "mobility scooter", "timely repair" and "emergency
10 repair" have the same meanings as provided in section 42-337, as
11 amended by this act, and (3) "medically necessary" has the same
12 meaning as provided in section 17b-259b. Customized wheelchairs and
13 mobility scooters shall be covered under the Medicaid program only
14 when "medically necessary" and a standard wheelchair or scooter does
15 not meet an individual's needs as determined by the Department of

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

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

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

46 (d) The commissioner, pursuant to section 17b-10, may implement
47 policies and procedures necessary to administer the provisions of this

48 section while in the process of adopting such policies and procedures as
49 regulations, provided the commissioner posts notice of intent to adopt
50 regulations on the eRegulations System not later than twenty days after
51 the date of implementation. Policies and procedures implemented
52 pursuant to this section shall be valid until the time final regulations are
53 adopted.

54 Sec. 2. Section 38a-492w of the general statutes is repealed and the
55 following is substituted in lieu thereof (*Effective January 1, 2026*):

56 (a) As used in this section, (1) ["complex rehabilitation technology
57 wheelchair" has] "authorized wheelchair or mobility scooter dealer",
58 "wheelchair" and "mobility scooter" have the same [meaning] meanings
59 as provided in section 42-337, as amended by this act, and (2) "medically
60 necessary" means a written determination by a policy holder's health
61 care provider that repair or replacement of a [complex rehabilitation
62 technology] wheelchair or mobility scooter is necessary to preserve the
63 health of such policy holder.

64 (b) Each individual health insurance policy providing coverage of the
65 types specified in subdivisions (1), (2), (4), (11) and (12) of section 38a-
66 469 delivered, issued for delivery, renewed, amended or continued in
67 this state on and after January 1, [2025] 2026, shall not require a new
68 prescription or prior authorization for the medically necessary repair or
69 replacement of a [complex rehabilitation technology] policy holder's
70 wheelchair or mobility scooter unless the original prescription for such
71 wheelchair or mobility scooter is more than five years old.

72 (c) Each individual health insurance policy providing coverage of the
73 types specified in subdivisions (1), (2), (4), (11) and (12) of section 38a-
74 469 delivered, issued for delivery, renewed, amended or continued in
75 this state on and after January 1, 2026, shall provide a policy holder
76 coverage for (1) the medically necessary repair or replacement of a
77 wheelchair or mobility scooter, (2) annual preventive maintenance of a
78 wheelchair or mobility scooter, and (3) payment for domestic overnight

79 delivery or express international delivery of a wheelchair or mobility
80 scooter part necessary for a repair but not on the premises of the
81 authorized wheelchair or mobility scooter dealer making such repair.

82 [(c)] (d) The Insurance Commissioner shall adopt regulations, in
83 accordance with chapter 54, to implement the provisions of this section.

84 Sec. 3. Section 38a-518w of the general statutes is repealed and the
85 following is substituted in lieu thereof (*Effective January 1, 2026*):

86 (a) As used in this section, (1) ["complex rehabilitation technology
87 wheelchair" has] "authorized wheelchair or mobility scooter dealer",
88 "wheelchair" and "mobility scooter" have the same [meaning] meanings
89 as provided in section 42-337, as amended by this act, and (2) "medically
90 necessary" means a written determination by a policy holder's health
91 care provider that repair or replacement of a [complex rehabilitation
92 technology] wheelchair or mobility scooter is necessary to preserve the
93 health of such policy holder.

94 (b) Each group health insurance policy providing coverage of the
95 types specified in subdivisions (1), (2), (4), (11) and (12) of section 38a-
96 469 delivered, issued for delivery, renewed, amended or continued in
97 this state on and after January 1, [2025] 2026, shall not require a new
98 prescription or prior authorization for the medically necessary repair or
99 replacement of a [complex rehabilitation technology] wheelchair or
100 mobility scooter unless the original prescription is more than five years
101 old.

102 (c) Each group health insurance policy providing coverage of the
103 types specified in subdivisions (1), (2), (4), (11) and (12) of section 38a-
104 469 delivered, issued for delivery, renewed, amended or continued in
105 this state on and after January 1, 2026, shall provide a policy holder
106 coverage for (1) the medically necessary repair or replacement of a
107 wheelchair or mobility scooter, (2) annual preventive maintenance of a
108 wheelchair or mobility scooter, and (3) payment for domestic overnight
109 delivery or express international delivery of a wheelchair or mobility

110 scooter part necessary for a repair but not on the premises of the
111 authorized wheelchair or mobility scooter dealer making such repair.

112 [(c)] (d) The Insurance Commissioner shall adopt regulations, in
113 accordance with chapter 54, to implement the provisions of this section.

114 Sec. 4. (NEW) (*Effective January 1, 2026*) As used in this section,
115 "wheelchair" and "mobility scooter" have the same meanings as
116 provided in section 42-337 of the general statutes, as amended by this
117 act. Except as otherwise required in any collective bargaining
118 agreement, the State Comptroller shall make available to an enrollee of
119 the state employee health plan established pursuant to section 5-259 of
120 the general statutes coverage for medically necessary wheelchairs and
121 mobility scooters and repair of such wheelchairs and mobility scooters
122 consistent with the provisions for such wheelchairs and mobility
123 scooters provided in sections 38a-492w of the general statutes, as
124 amended by this act, and 38a-518w of the general statutes, as amended
125 by this act.

126 Sec. 5. Section 42-337 of the general statutes is repealed and the
127 following is substituted in lieu thereof (*Effective July 1, 2025*):

128 As used in this section and [section] sections 42-338 and 42-339, as
129 amended by this act:

130 (1) "Authorized wheelchair or mobility scooter dealer" means any
131 company doing business in the state selling or leasing wheelchairs,
132 including complex rehabilitation technology wheelchairs, mobility
133 scooters, or both.

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

136 (3) "Complex rehabilitation technology wheelchair" means a
137 specialized, medically necessary manual or powered wheelchair
138 individually configured for the user with specialized equipment that

139 requires evaluation, configuration, fitting, adjustment, programming
140 and long-term maintenance and repair services.

141 (4) "Consumer" means the purchaser or lessee of a wheelchair,
142 including a complex rehabilitation technology wheelchair, or mobility
143 scooter, irrespective of whether the purchase or lease of the wheelchair
144 or mobility scooter is funded in whole or in part by the consumer or
145 privately or publicly funded health insurance.

146 (5) "Emergency repair" means repair services when a wheelchair or
147 mobility scooter is completely inoperable on weekends and holidays
148 and may include remote repair services if such service renders the
149 wheelchair or mobility scooter operable.

150 (6) "Mobility scooter" means a medically necessary, battery-powered
151 vehicle with a seat, three or four wheels and a stable foot rest prescribed
152 by a licensed health care provider for a person with a physical disability
153 that impairs such person's mobility.

154 (7) "Systemic noncompliance" means the failure by an authorized
155 wheelchair or mobility scooter dealer to meet timely repair
156 requirements for more than five per cent of repair requests in a thirty-
157 day period.

158 [(5)] (8) "Timely repair" means as soon as practicable but not later
159 than ten business days after the date of request for repair from a
160 consumer, provided (A) the consumer makes the wheelchair or mobility
161 scooter available, and (B) any prior authorization required from an
162 insurer has been acquired. [, and (C)] The timely repair period shall be
163 tolled by any time spent waiting for prior authorization from an insurer
164 or for delivery of necessary parts ordered for the repair by an authorized
165 wheelchair or mobility scooter dealer. [shall not be included in the ten
166 business days.]

167 [(6)] (9) "Wheelchair" means a manual or motorized wheeled device
168 that enhances the mobility or positioning of an individual with a

169 disability and includes a complex rehabilitation technology wheelchair.

170 Sec. 6. Section 42-338 of the general statutes is repealed and the
171 following is substituted in lieu thereof (*Effective July 1, 2025*):

172 (a) An authorized wheelchair or mobility scooter dealer shall timely
173 repair a wheelchair, including a complex rehabilitation technology
174 wheelchair [,] or mobility scooter, sold or leased by such dealer in the
175 state and provide emergency repair when a consumer's wheelchair or
176 mobility scooter is rendered completely inoperable. An authorized
177 wheelchair or mobility scooter dealer who sells or leases a complex
178 rehabilitation technology wheelchair or mobility scooter in the state
179 shall provide timely or emergency repair of such wheelchair or mobility
180 scooter at a consumer's home upon request and, in consultation with the
181 Office of the Healthcare Advocate, shall notify consumers in writing of
182 their rights pursuant to this section at (1) the point and time of sale or
183 lease of such wheelchair or mobility scooter, (2) in an annual mailing,
184 (3) on the Internet web site of such dealer, and (4) in all electronic
185 communications with consumers.

186 (b) An authorized wheelchair or mobility scooter dealer shall
187 maintain an electronic mail address and a phone line for consumer
188 repair requests that are accessible each business day and capable of
189 receiving and recording messages. The authorized wheelchair or
190 mobility scooter dealer shall (1) respond to a request for wheelchair or
191 mobility scooter repair and assess the need for such repair not later than
192 one business day after the date of such request, [and] (2) order parts for
193 a repair not later than three business days after assessing the need for
194 the repair or after receiving prior authorization from an insurer for the
195 repair, and (3) employ sufficient staff and stock sufficient parts to ensure
196 timely repair and emergency repair, if necessary, and a domestic
197 overnight and international express delivery option for parts needed for
198 such repairs but not on the premises of such dealer. An authorized
199 wheelchair or mobility scooter dealer shall utilize a scheduling
200 management system that offers (A) sufficient notice to a consumer of a

201 repair date and time, (B) follow-up electronic mail messages to a
202 consumer after a repair request with a summary of the request and an
203 estimate of time left before a repair is completed, and (C) a contact
204 number or email address at the authorized dealer to resolve problems
205 with the response to the repair request. An authorized wheelchair or
206 mobility scooter dealer shall provide a written receipt to a consumer
207 upon completion of the repair that records the type of repair, the date
208 the repair was requested and the date the repair was completed.

209 (c) On and after July 1, 2024, the Office of the Healthcare Advocate,
210 in consultation with the Department of Consumer Protection, shall
211 maintain a phone number and electronic mail address to be posted
212 conspicuously on the Internet web sites of the Office of the Healthcare
213 Advocate and the department, to receive and record complaints
214 regarding timely repair issues. Not later than January 1, 2025, and
215 annually thereafter, the Healthcare Advocate shall submit a report to the
216 joint standing committees of the General Assembly having cognizance
217 of matters relating to general law, human services and insurance
218 regarding the complaints received and recorded pursuant to this
219 subsection. The Office of the Healthcare Advocate shall, within
220 available appropriations, conduct a public awareness campaign to
221 inform consumers of their rights concerning timely wheelchair and
222 mobility scooter repair under state law.

223 (d) [Not later than December 31, 2024, and annually thereafter, an]
224 An authorized wheelchair or mobility scooter dealer that contracts with
225 the Department of Social Services to sell or lease wheelchairs or mobility
226 scooters to Medicaid recipients shall submit a monthly report to the
227 Commissioner of Social Services and the advisory council established
228 pursuant to section 42-339, as amended by this act, regarding repair of
229 such wheelchairs or mobility scooters. Not later than August 1, 2025, the
230 advisory council shall approve and disseminate to authorized
231 wheelchair and mobility scooter dealers a uniform definition for the
232 term "wheelchair or mobility scooter repair technician" and
233 qualifications for such technician for use by such dealers in required

234 reporting. On and after September 1, 2025, any authorized wheelchair
 235 or mobility scooter dealer in the state, regardless of whether such dealer
 236 contracts with the Department of Social Services to sell or lease
 237 wheelchairs or mobility scooters to Medicaid recipients, shall submit a
 238 monthly report and an annual report compiling the data of the monthly
 239 reports to the commissioner and said council. The [report] reports shall
 240 include, but need not be limited to, number, duties and starting and
 241 average compensation and benefits of such dealer's staff, including, but
 242 not limited to, wheelchair or mobility scooter repair technicians, any
 243 data available on national starting and average compensation and
 244 benefits for such technicians, new job postings for such technicians and
 245 minimum, maximum and average times from the date and time of a
 246 repair request for the authorized wheelchair or mobility scooter dealer
 247 to: (1) [respond] Respond; (2) conduct a repair assessment (A) in the
 248 home or other community location, (B) remotely, or (C) at a repair
 249 facility; (3) request any necessary prior authorization from the
 250 Department of Social Services or a private insurer and receive a decision
 251 from the department or private insurer on such request; (4) order any
 252 wheelchair or mobility scooter parts needed; (5) receive delivery of any
 253 needed repair parts; and (6) complete repairs (A) in the home or other
 254 community location, (B) remotely, or (C) at a repair facility.

255 (e) On and after October 1, 2025, it shall be an unfair or deceptive act
 256 or practice pursuant to subsection (a) of section 42-110b for an
 257 authorized wheelchair or mobility scooter dealer whose repair record
 258 meets the definition of systemic noncompliance provided in section 42-
 259 337, as amended by this act, to violate the provisions of this section.

260 (f) Nothing in this section shall be construed to limit the rights or
 261 remedies of a consumer pursuant to sections 42-330 to 42-334, inclusive.

262 Sec. 7. Subsections (a) and (b) of section 42-339 of the general statutes
 263 are repealed and the following is substituted in lieu thereof (*Effective July*
 264 *1, 2025*):

265 (a) There is established a [complex rehabilitation technology and]
266 wheelchair and mobility scooter repair advisory council to monitor
267 repairs of wheelchairs, including complex rehabilitation technology
268 wheelchairs, and mobility scooters, as defined in section 42-337, as
269 amended by this act, and to make recommendations concerning
270 improving repair times.

271 (b) The advisory council shall consist of the following members:

272 (1) Two appointed by the House and Senate chairpersons of the joint
273 standing committee of the General Assembly having cognizance of
274 matters relating to human services, one of whom is a consumer who
275 uses a complex rehabilitation technology wheelchair or a mobility
276 scooter purchased, leased or repaired under the Medicaid program, and
277 one of whom is a representative of the state advocacy system for persons
278 with disabilities, established pursuant to section 46a-10b;

279 (2) Two appointed by the House and Senate ranking members of the
280 joint standing committee of the General Assembly having cognizance of
281 matters relating to human services, one of whom is a consumer who
282 uses a [complex rehabilitation technology] wheelchair or a mobility
283 scooter purchased, leased or repaired under a private health insurance
284 policy, and one of whom is an authorized wheelchair or mobility scooter
285 dealer, as defined in section 42-337, as amended by this act;

286 (3) Two appointed by the House and Senate chairpersons of the joint
287 standing committee of the General Assembly having cognizance of
288 matters relating to general law, each of whom is a representative of an
289 organization that represents persons with physical disabilities;

290 (4) Two appointed by the House and Senate ranking members of the
291 joint standing committee of the General Assembly having cognizance of
292 matters relating to general law, each of whom is a consumer who
293 privately pays for [complex rehabilitation technology] wheelchairs or
294 mobility scooters;

295 (5) The Commissioner of Aging and Disability Services, or the
296 commissioner's designee;

297 (6) The Insurance Commissioner, or the commissioner's designee;

298 (7) The Commissioner of Social Services, or the commissioner's
299 designee;

300 (8) The Healthcare Advocate, or the Healthcare Advocate's designee;
301 and

302 (9) The Commissioner of Consumer Protection, or the commissioner's
303 designee.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2025</i>	17b-278i
Sec. 2	<i>January 1, 2026</i>	38a-492w
Sec. 3	<i>January 1, 2026</i>	38a-518w
Sec. 4	<i>January 1, 2026</i>	New section
Sec. 5	<i>July 1, 2025</i>	42-337
Sec. 6	<i>July 1, 2025</i>	42-338
Sec. 7	<i>July 1, 2025</i>	42-339(a) and (b)

Statement of Purpose:

To implement the recommendations of an advisory council on wheelchair repair concerning timely repair of wheelchairs and mobility scooters.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]