



General Assembly

## ***Substitute Bill No. 7106***

*January Session, 2025*



### ***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 Section 17b-278i of the general statutes is repealed and the  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.

<p>This act shall take effect as follows and shall amend the following sections:</p>
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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.*