



General Assembly

Amendment

January Session, 2025

LCO No. 8735



Offered by:
REP. GILCHREST, 18th Dist.

To: Subst. House Bill No. 7106

File No. 518

Cal. No. 326

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

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Subsection (b) of section 17b-278i of the general statutes is
4 repealed and the following is substituted in lieu thereof (*Effective July 1,*
5 *2025*):

6 (b) Notwithstanding the provisions of subsection (a) of this section,
7 on and after July 1, 2024, the Commissioner of Social Services shall not
8 require a new prescription or prior authorization for the medically
9 necessary repair of a customized wheelchair unless the original
10 prescription for such wheelchair is more than five years old. The
11 commissioner shall provide coverage under the medical assistance
12 program for the medically necessary repair or replacement of a
13 Medicaid recipient's customized wheelchair.

14 Sec. 2. Section 42-337 of the general statutes is repealed and the

15 following is substituted in lieu thereof (*Effective July 1, 2025*):

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

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

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

22 (3) "Complex rehabilitation technology wheelchair" means a
23 specialized, medically necessary manual or powered wheelchair
24 individually configured for the user with specialized equipment that
25 requires evaluation, configuration, fitting, adjustment, programming
26 and long-term maintenance and repair services.

27 (4) "Consumer" means the purchaser or lessee of a wheelchair,
28 including a complex rehabilitation technology wheelchair, irrespective
29 of whether the purchase or lease of the wheelchair is funded in whole
30 or in part by the consumer or privately or publicly funded health
31 insurance.

32 (5) "Timely repair" means as soon as practicable but not later than ten
33 business days after the date of request for repair from a consumer,
34 provided (A) the consumer makes the wheelchair available, and (B) any
35 prior authorization required from an insurer has been acquired. [and
36 (C)] The timely repair period shall be tolled by any time spent waiting
37 for prior authorization from an insurer or for delivery of necessary parts
38 ordered for the repair by an authorized wheelchair dealer. [shall not be
39 included in the ten business days.]

40 (6) "Wheelchair" means a manual or motorized wheeled device that
41 enhances the mobility or positioning of an individual with a disability.
42 [and] "Wheelchair" includes a complex rehabilitation technology
43 wheelchair but not a mobility scooter.

44 Sec. 3. Section 42-338 of the general statutes is repealed and the
45 following is substituted in lieu thereof (*Effective July 1, 2025*):

46 (a) An authorized wheelchair dealer shall timely repair a wheelchair,
47 including a complex rehabilitation technology wheelchair, sold or
48 leased by such dealer in the state. An authorized wheelchair dealer who
49 sells or leases a complex rehabilitation technology wheelchair in the
50 state shall provide timely repair of such wheelchair at a consumer's
51 home upon request.

52 (b) An authorized wheelchair dealer shall maintain an electronic mail
53 address and a phone line for consumer repair requests that are
54 accessible each business day and capable of receiving and recording
55 messages. The authorized wheelchair dealer shall (1) respond to a
56 request for wheelchair repair not later than one business day after the
57 date of such request, and (2) order parts for a repair not later than three
58 business days after assessing the need for the repair or after receiving
59 prior authorization from an insurer for the repair.

60 (c) On and after July 1, 2024, the Office of the Healthcare Advocate,
61 in consultation with the Department of Consumer Protection, shall
62 maintain a phone number and electronic mail address to be posted
63 conspicuously on the Internet web sites of the Office of the Healthcare
64 Advocate and the department, to receive and record complaints
65 regarding timely repair issues. Not later than January 1, 2025, and
66 annually thereafter, the Healthcare Advocate shall submit a report to the
67 joint standing committees of the General Assembly having cognizance
68 of matters relating to general law, human services and insurance
69 regarding the complaints received and recorded pursuant to this
70 subsection. The Office of the Healthcare Advocate shall, within
71 available appropriations, conduct a public awareness campaign to
72 inform consumers of their rights concerning timely wheelchair repair
73 under state law.

74 (d) [Not later than December 31, 2024, and annually thereafter, an]
75 An authorized wheelchair dealer that contracts with the Department of

76 Social Services to sell or lease wheelchairs to Medicaid recipients shall,
77 until February 1, 2026, submit a monthly report to the Commissioner of
78 Social Services and the advisory council established pursuant to section
79 42-339, as amended by this act, regarding repair of such wheelchairs. On
80 and after February 1, 2026, all authorized wheelchair dealers who sell or
81 lease wheelchairs in the state, whether to persons privately insured or
82 who are Medicaid recipients, shall file a quarterly report with the
83 department and the Office of the Healthcare Advocate. The report shall
84 include, but need not be limited to, minimum, maximum and average
85 times from the date and time of a repair request for the authorized
86 wheelchair dealer to: (1) [respond] Respond; (2) conduct a repair
87 assessment (A) in the home or other community location, (B) remotely,
88 or (C) at a repair facility; (3) request any necessary prior authorization
89 from the Department of Social Services or a private insurer and receive
90 a decision from the department or private insurer on such request; (4)
91 order any wheelchair parts needed; (5) receive delivery of any needed
92 repair parts; and (6) complete repairs (A) in the home or other
93 community location, (B) remotely, or (C) at a repair facility.

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

96 Sec. 4. Subsection (g) of section 42-339 of the general statutes is
97 repealed and the following is substituted in lieu thereof (*Effective July 1,*
98 *2025*):

99 (g) Not later than [January 1, 2025, and annually thereafter] February
100 1, 2026, the advisory council shall submit a report on its findings and
101 recommendations to the joint standing committees of the General
102 Assembly having cognizance of matters relating to aging, general law,
103 human services and insurance, in accordance with the provisions of
104 section 11-4a. The advisory council shall terminate on February 1, 2026."

<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(b)
Sec. 2	<i>July 1, 2025</i>	42-337
Sec. 3	<i>July 1, 2025</i>	42-338
Sec. 4	<i>July 1, 2025</i>	42-339(g)