



Substitute Senate Bill No. 308

Public Act No. 24-58

AN ACT CONCERNING WHEELCHAIR REPAIR REQUIREMENTS.

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

Section 1. (NEW) (*Effective July 1, 2024*) As used in this section and section 2 of this act:

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

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

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

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

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

(6) "Wheelchair" means a manual or motorized wheeled device that enhances the mobility or positioning of an individual with a disability and includes a complex rehabilitation technology wheelchair.

Sec. 2. (NEW) (*Effective July 1, 2024*) (a) An authorized wheelchair dealer shall timely repair a wheelchair, including a complex rehabilitation technology wheelchair, sold or leased by such dealer in the state. An authorized wheelchair dealer who sells or leases a complex rehabilitation technology wheelchair in the state shall provide timely repair of such wheelchair at a consumer's home upon request.

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

(c) On and after July 1, 2024, the Office of the Healthcare Advocate, in consultation with the Department of Consumer Protection, shall maintain a phone number and electronic mail address to be posted conspicuously on the Internet web sites of the Office of the Healthcare Advocate and the department, to receive and record complaints regarding timely repair issues. Not later than January 1, 2025, and

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annually thereafter, the Healthcare Advocate shall submit a report to the joint standing committees of the General Assembly having cognizance of matters relating to general law, human services and insurance regarding the complaints received and recorded pursuant to this subsection.

(d) Not later than December 31, 2024, and annually thereafter, an authorized wheelchair dealer that contracts with the Department of Social Services to sell or lease wheelchairs to Medicaid recipients shall submit a report to the Commissioner of Social Services and the advisory council established pursuant to section 4 of this act regarding repair of such wheelchairs. The report shall include, but need not be limited to, minimum, maximum and average times from the date and time of a repair request for the authorized wheelchair dealer to (1) respond; (2) conduct a repair assessment (A) in the home or other community location, (B) remotely, or (C) at a repair facility; (3) request any necessary prior authorization from the Department of Social Services and receive a decision from the department on such request; (4) order any wheelchair parts needed; (5) receive delivery of any needed repair parts; and (6) complete repairs (A) in the home or other community location, (B) remotely, or (C) at a repair facility.

Sec. 3. Section 17b-278i of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2024*):

(a) As used in this section, (1) "customized wheelchair" means a wheelchair built, designed or outfitted for a Medicaid recipient with a physical disability unable to achieve maximum mobility with a standard wheelchair and includes a complex rehabilitation technology wheelchair, (2) "authorized wheelchair dealer", "complex rehabilitation technology wheelchair" and "timely repair" have the same meanings as provided in section 1 of this act, and (3) "medically necessary" has the same meaning as provided in section 17b-259b. Customized wheelchairs shall be covered under the Medicaid program only when

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"medically necessary" and a standard wheelchair does not meet an individual's needs as determined by the Department of Social Services. Wheelchair repairs and parts replacements may be subject to review and approval by the department. Refurbished wheelchairs, parts and components shall be utilized whenever practicable. The Department of Social Services may designate categories of durable medical equipment in addition to customized wheelchairs for which reused equipment, parts and components shall be utilized whenever practicable.

(b) Notwithstanding the provisions of subsection (a) of this section, on and after July 1, 2024, the Commissioner of Social Services shall not require a new prescription or prior authorization for the medically necessary repair of a customized wheelchair unless the original prescription for such wheelchair is more than five years old.

(c) The commissioner shall seek any federal approval necessary, including amending the Medicaid state plan or applying for a Medicaid waiver, to implement the provisions of this section.

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

Sec. 4. (NEW) (*Effective July 1, 2024*) (a) There is established a complex rehabilitation technology and wheelchair repair advisory council to monitor repairs of wheelchairs, including complex rehabilitation technology wheelchairs, as defined in section 1 of this act, and to make recommendations concerning improving repair times.

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

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

(2) Two appointed by the House and Senate ranking members of the joint standing committee of the General Assembly having cognizance of matters relating to human services, one of whom is a consumer who uses a complex rehabilitation technology wheelchair purchased, leased or repaired under a private health insurance policy, and one of whom is an authorized wheelchair dealer, as defined in section 1 of this act;

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

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

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

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

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

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

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

(c) Any member of the advisory council appointed under subdivision (1), (2), (3) or (4) of subsection (b) of this section may be a member of the General Assembly.

(d) All initial appointments to the advisory council shall be made not later than August 1, 2024. Any vacancy shall be filled by the appointing authority. The advisory council shall meet at least monthly.

(e) The Commissioner of Aging and Disability Services, or the commissioner's designee, and a member of the advisory council chosen by a majority of members of the advisory council, shall serve as chairpersons. Such chairpersons shall schedule the first meeting of the advisory council not later than September 1, 2024.

(f) The administrative staff of the joint standing committee of the General Assembly having cognizance of matters relating to human services shall serve as administrative staff of the advisory council.

(g) Not later than January 1, 2025, and annually thereafter, the advisory council shall submit a report on its findings and recommendations to the joint standing committees of the General Assembly having cognizance of matters relating to aging, general law, human services and insurance, in accordance with the provisions of section 11-4a of the general statutes.

Sec. 5. (NEW) (*Effective July 1, 2024*) (a) As used in this section, (1) "complex rehabilitation technology wheelchair" has the same meaning as provided in section 1 of this act, and (2) "medically necessary" means a written determination by a policy holder's health care provider that

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repair or replacement of a complex rehabilitation technology wheelchair is necessary to preserve the health of such policy holder.

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

(c) The Insurance Commissioner shall adopt regulations, in accordance with chapter 54 of the general statutes, to implement the provisions of this section.

Sec. 6. (NEW) (*Effective July 1, 2024*) (a) As used in this section, (1) "complex rehabilitation technology wheelchair" has the same meaning as provided in section 1 of this act, and (2) "medically necessary" means a written determination by a policy holder's health care provider that repair or replacement of a complex rehabilitation technology wheelchair is necessary to preserve the health of such policy holder.

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

(c) The Insurance Commissioner shall adopt regulations, in accordance with chapter 54 of the general statutes, to implement the provisions of this section.