



General Assembly

February Session, 2024

***Raised Bill No. 308***

LCO No. 1955



Referred to Committee on HUMAN SERVICES

Introduced by:  
(HS)

***AN ACT IMPLEMENTING TASK FORCE RECOMMENDATIONS FOR WHEELCHAIR REPAIR.***

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

1 Section 1. (NEW) (*Effective October 1, 2024*) As used in this section,  
2 section 17b-278j of the general statutes, as amended by this act, and  
3 section 2 of this act:

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

7 (2) "Complex rehabilitation technology" has the same meaning as  
8 provided in section 17b-278j of the general statutes, as amended by this  
9 act.

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

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

20 (5) "Timely repair" means as soon as practicable but not later than ten  
21 calendar days after the date of request for repair from a consumer,  
22 provided the consumer makes the wheelchair available and any prior  
23 approval required from an insurer has been acquired.

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

27 Sec. 2. (NEW) (*Effective October 1, 2024*) (a) An authorized wheelchair  
28 dealer shall timely repair a wheelchair, including a complex  
29 rehabilitation technology wheelchair, sold or leased by such dealer in  
30 the state. An authorized wheelchair dealer who sells or leases a complex  
31 rehabilitation technology wheelchair in the state shall provide service  
32 and timely repair of such wheelchair at a consumer's home upon  
33 request.

34 (b) An authorized wheelchair dealer shall maintain a phone line for  
35 consumer repair requests that is accessible each business day and  
36 capable of recording messages. The authorized wheelchair dealer shall  
37 (1) respond to a request for wheelchair repair not later than one business  
38 day after the date of request, and (2) maintain a sufficient supply of parts  
39 to timely repair wheelchairs, including complex rehabilitation  
40 technology wheelchairs.

41 (c) An authorized wheelchair dealer may assess reasonable fees for  
42 the timely repair of any wheelchair for which a warranty has expired  
43 and an additional surcharge for repairing a wheelchair that is not  
44 functional due to a condition or defect that results from abuse, neglect  
45 or unauthorized modification or alteration of the wheelchair.

46 (d) An authorized wheelchair dealer who contracts with the  
47 Department of Social Services to sell or lease wheelchairs to Medicaid  
48 recipients shall be subject to penalties pursuant to section 17b-278j of the  
49 general statutes, as amended by this act, for violations of the provisions  
50 of this section. Violations of the provisions of this section shall also be  
51 deemed an unfair or deceptive trade practice under section 42-110b of  
52 the general statutes.

53 Sec. 3. Section 17b-4 of the general statutes is repealed and the  
54 following is substituted in lieu thereof (*Effective October 1, 2024*):

55 (a) The Department of Social Services shall plan, develop, administer,  
56 operate, evaluate and provide funding for services for individuals and  
57 families served by the department who are in need of personal or  
58 economic development. In cooperation with other social service  
59 agencies and organizations, including community-based agencies, the  
60 department shall work to develop and fund prevention, intervention  
61 and treatment services for individuals and families. The department  
62 shall: (1) Provide appropriate services to individuals and families as  
63 needed through direct social work services rendered by the department  
64 and contracted services from community-based organizations funded  
65 by the department; (2) collect, interpret and publish statistics relating to  
66 individuals and families serviced by the department; (3) monitor,  
67 evaluate and review any program or service which is developed,  
68 operated or funded by the department; (4) supervise the establishment  
69 of pilot programs funded by the department in local communities which  
70 assist and support individuals and families in personal and economic  
71 development; (5) improve the quality of services provided, operated  
72 and funded by the department and increase the competency of its staff  
73 relative to the provision of effective social services by establishing and  
74 supporting ongoing staff development and training; and (6) encourage  
75 citizen participation in the development of social service priorities and  
76 programs.

77 (b) The Department of Social Services, in conjunction with the  
78 Department of Public Health and the Department of Aging and

79 Disability Services, may adopt regulations in accordance with the  
80 provisions of chapter 54 to establish requirements with respect to the  
81 submission of reports concerning financial solvency and quality of care  
82 by nursing homes for the purpose of determining the financial viability  
83 of such homes, identifying homes that appear to be experiencing  
84 financial distress and examining the underlying reasons for such  
85 distress. Such reports shall be submitted to the Nursing Home Financial  
86 Advisory Committee established under section 17b-339.

87 (c) The Department of Social Services, in conjunction with the  
88 Department of Aging and Disability Services, shall adopt regulations in  
89 accordance with the provisions of chapter 54 establishing standards for  
90 complex rehabilitation technology, as defined in section 17b-278j, as  
91 amended by this act, and penalties for violations of section 2 of this act.

92 Sec. 4. Section 17b-278j of the general statutes is repealed and the  
93 following is substituted in lieu thereof (*Effective October 1, 2024*):

94 (a) As used in this section:

95 (1) "Authorized wheelchair dealer" has the same meaning as  
96 provided in section 1 of this act.

97 (2) "Complex rehabilitation technology" means products classified as  
98 durable medical equipment within the Medicare program as of January  
99 1, 2013, that are individually configured and medically necessary for  
100 individuals to meet their specific and unique medical, physical and  
101 functional needs and capacities for basic and instrumental activities of  
102 daily living. Complex rehabilitation technology includes, but is not  
103 limited to, (A) complex rehabilitation manual and power wheelchairs  
104 and accessories, (B) adaptive seating and positioning items and  
105 accessories, and (C) other specialized equipment and accessories, such  
106 as standing frames and gait trainers.

107 (3) "Complex rehabilitation technology wheelchair" has the same  
108 meaning as provided in section 1 of this act.

109 [(2)] (4) "Employee" means a person whose taxes are withheld by a  
110 qualified complex rehabilitation technology supplier and reported to  
111 the Internal Revenue Service.

112 [(3)] (5) "Healthcare Common Procedure Coding System" or  
113 "HCPCS" means the billing codes used by Medicare and overseen by the  
114 federal Centers for Medicare and Medicaid Services that are based on  
115 the current procedural technology codes developed by the American  
116 Medical Association.

117 [(4)] (6) "Individually configured" means a device with a combination  
118 of sizes, features, adjustments or modifications that is customized by a  
119 qualified complex rehabilitation technology supplier for a specific  
120 individual by measuring, fitting, programming, adjusting or adapting  
121 the device so that the device is consistent with the individual's medical  
122 condition, physical and functional needs and capacities, body size,  
123 period of need and intended use as determined by an assessment or  
124 evaluation by a qualified health care professional.

125 [(5)] (7) "Medically necessary" has the same meaning as provided in  
126 section 17b-259b.

127 [(6)] (8) "Mixed HCPCS codes" means codes that refer to a mix of  
128 complex rehabilitation technology products and standard mobility and  
129 accessory products.

130 [(7)] (9) "Pure HCPCS codes" means codes that refer exclusively to  
131 complex rehabilitation technology products and services.

132 [(8)] (10) "Qualified complex rehabilitation technology professional"  
133 means an individual who is certified as an Assistive Technology  
134 Professional by the Rehabilitation Engineering and Assistive  
135 Technology Society of North America.

136 [(9)] (11) "Qualified complex rehabilitation technology supplier"  
137 means a company or entity that:

138 (A) Is accredited by a recognized accrediting organization as a

139 supplier of complex rehabilitation technology;

140 (B) Is an enrolled Medicare supplier and meets the supplier and  
141 quality standards established for durable medical equipment, including  
142 those for a complex rehabilitation technology supplier under the  
143 Medicare program;

144 (C) Has at least one employee who is a qualified complex  
145 rehabilitation technology professional for each service location to (i)  
146 analyze the needs and capacities of an eligible individual in consultation  
147 with a qualified health care professional, (ii) participate in the selection  
148 of appropriate covered complex rehabilitation technology for such  
149 needs and capacities, and (iii) provide technology-related training in the  
150 proper use of the complex rehabilitation technology;

151 (D) Requires a qualified complex rehabilitation technology  
152 professional be physically present for the evaluation and determination  
153 of appropriate complex rehabilitation technology for an eligible  
154 individual;

155 (E) Has the capability to provide service and repair by qualified  
156 technicians for all complex rehabilitation technology it sells; and

157 (F) Provides written information regarding how to receive service  
158 and repair of complex rehabilitation technology to the eligible  
159 individual at the time such technology is delivered.

160 [(10)] (12) "Qualified health care professional" means a health care  
161 professional licensed by the state Department of Public Health who has  
162 no financial relationship with a qualified complex rehabilitation  
163 technology supplier. Qualified health care professional includes, but is  
164 not limited to, (A) a licensed physician, (B) a licensed physical therapist,  
165 (C) a licensed occupational therapist, or (D) other licensed health care  
166 professional who performs specialty evaluations within the  
167 professional's scope of practice.

168 (13) "Timely repair" has the same meaning as provided in section 1 of

169 this act.

170 (b) The Commissioner of Social Services shall, not later than January  
171 1, 2015, report to the joint standing committee of the General Assembly  
172 having cognizance of matters relating to human services on the impact  
173 of: (1) Designating products and services included in mixed and pure  
174 HCPCS billing codes as complex rehabilitation technology; (2) setting  
175 minimum standards consistent with subdivision [(9)] (11) of subsection  
176 (a) of this section in order for suppliers to be considered qualified  
177 complex rehabilitation technology suppliers eligible for Medicaid  
178 reimbursement; (3) preserving the option for complex rehabilitation  
179 technology to be billed and paid for as a purchase allowing for single  
180 payments for devices with a length of need of one year or greater,  
181 excluding approved crossover claims for clients enrolled in Medicare  
182 and Medicaid; and (4) requiring eligible individuals receiving a complex  
183 rehabilitation manual wheelchair, power wheelchair or seating  
184 component to be evaluated by a qualified health care professional and a  
185 qualified complex rehabilitation technology professional to qualify for  
186 reimbursement.

187 (c) The Commissioner of Social Services shall not require a new  
188 prescription for the purchase or repair of complex rehabilitation  
189 technology, including a complex rehabilitation technology wheelchair,  
190 unless the original prescription is more than five years old. The  
191 commissioner shall not require prior authorization for timely repair of  
192 a complex rehabilitation technology wheelchair, if the original  
193 prescription was written not more than five years earlier.

194 (d) The commissioner, to the extent permissible under federal law,  
195 shall provide Medicaid coverage for annual maintenance of a Medicaid  
196 recipient's complex rehabilitation technology wheelchair and any  
197 backup complex rehabilitation technology wheelchair that the Medicaid  
198 recipient may need during the repair of the primary complex  
199 rehabilitation technology wheelchair. The commissioner shall amend  
200 the Medicaid state plan if necessary to implement the provisions of this  
201 section.

202       (e) The commissioner, following notice and opportunity for a hearing  
203 pursuant to chapter 54, may reduce or withhold Medicaid funding for  
204 any authorized complex rehabilitation technology supplier or  
205 authorized wheelchair dealer who sells or leases wheelchairs to a  
206 Medicaid recipient for violations of the provisions of section 2 of this act,  
207 regardless of whether the violation concerned a wheelchair purchased  
208 under the Medicaid program. If the violation did not concern a  
209 wheelchair purchased under the Medicaid program, the commissioner  
210 may assess such penalties under any future contract with such  
211 authorized complex rehabilitation technology supplier or authorized  
212 wheelchair dealer for purchase or repair of a wheelchair, including a  
213 complex rehabilitation technology wheelchair, under the Medicaid  
214 program.

215       Sec. 5. Subdivision (1) of section 42-330 of the general statutes is  
216 repealed and the following is substituted in lieu thereof (*Effective October*  
217 *1, 2024*):

218       (1) "Assistive technology device" means any device sold, leased or  
219 transferred in this state or to a consumer in this state on or after January  
220 1, 1998, that is used or designed to be used to enable or enhance the  
221 ability of a person with a disability to communicate, see, hear or achieve  
222 mobility, including, but not limited to, (A) [manual or motor-driven  
223 wheelchairs and other] assistive devices that enhance a mobility  
224 impaired person's ability to achieve mobility, including seating and  
225 positioning aids, except for a wheelchair or complex rehabilitation  
226 technology wheelchair, as defined in section 1 of this act, (B) telephone  
227 communication devices for persons who are hard of hearing and other  
228 assistive listening devices that enhance the ability of a person who is  
229 hard of hearing to hear or communicate, but not including hearing aids,  
230 (C) voice synthesized computer modules, optical scanners, talking  
231 software, braille printers and other assistive devices that enhance a sight  
232 impaired person's ability to see or communicate, (D) computer  
233 equipment with voice output, artificial larynges, voice amplification  
234 devices and other alternative and augmentative communication  
235 devices, (E) any system of such devices that, as a whole, is itself such a



236 device, (F) any component product of such devices that is itself  
237 ordinarily such a device, and (G) any such device used primarily by a  
238 dealer, lessor or manufacturer for the purpose of demonstration to the  
239 public or to prospective purchasers or lessees. "Assistive technology  
240 device" does not include batteries used in or nonessential accessories to  
241 any such devices.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2024</i>	New section
Sec. 2	<i>October 1, 2024</i>	New section
Sec. 3	<i>October 1, 2024</i>	17b-4
Sec. 4	<i>October 1, 2024</i>	17b-278j
Sec. 5	<i>October 1, 2024</i>	42-330(1)

**Statement of Purpose:**

To implement task force recommendations concerning timely wheelchair repair.

*[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.]*