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## **OLR Bill Analysis**

### **sSB 308**

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

#### **SUMMARY**

This bill requires authorized wheelchair dealers to perform timely repairs on wheelchairs, generally within 10 calendar days, and sets several related requirements. These requirements apply to any company in the state selling or leasing wheelchairs, including complex rehabilitation technology (CRT) wheelchairs, which are specialized, medically necessary manual or power wheelchairs that are individually configured for the user with specialized equipment that require evaluation, configuration, fitting, adjustment, programming, and long-term maintenance and repair services.

The bill requires the Department of Social Services (DSS) to adopt regulations, with the Department of Aging and Disability Services, to establish (1) penalties for violating the bill's requirements on timely repair and (2) standards for CRT (see BACKGROUND). The bill also allows DSS to enforce the bill's timely repair requirements by withholding a violator's Medicaid funding.

The bill removes wheelchairs and CRT wheelchairs from the assistive technology device requirements under a separate state law that the Department of Consumer Protection (DCP) enforces. That law generally requires device manufacturers to repair defects within a certain time period and provide a refund or replacement if the device is sent for repair at least three times, or is out of service for at least 30 days, due to the same defect. This existing law, from which the bill exempts wheelchairs and CRT wheelchairs, sets procedures for returning and repairing purchased and leased devices, requires disclosure before returned devices are resold, allows DCP to adopt implementing

regulations, and allows for court enforcement (CGS §§ 42-330 to 42-344).

The bill also requires the DSS commissioner to provide Medicaid coverage for annual maintenance of a Medicaid recipient's CRT wheelchair and any backup CRT wheelchair the recipient may need during the repair. She must provide this coverage to the extent federal law allows and amend the Medicaid state plan if needed to implement these provisions.

Lastly, the bill prohibits the DSS commissioner from requiring (1) a new prescription to purchase or repair CRT, including a CRT wheelchair, unless the original prescription is more than five years old or (2) prior authorization for timely repair of a CRT wheelchair, if the original prescription was written within the prior five years.

EFFECTIVE DATE: October 1, 2024

### **TIMELY REPAIR AND RELATED REQUIREMENTS**

The bill requires an authorized wheelchair dealer to timely repair a wheelchair it sold or leased in the state. Under the bill, a "wheelchair" is a manual or motorized wheeled device that enhances a person's mobility or positioning and includes a CRT wheelchair. A repair is timely if it is completed as soon as practicable and within 10 calendar days after a consumer request, as long as the consumer makes the wheelchair available and gets any necessary prior approval from an insurer.

The bill applies to consumers who buy or lease a wheelchair, regardless of if the consumer or private or public health insurance funds it. The bill requires authorized wheelchair dealers who sell or lease CRT wheelchairs to provide service and timely repair at a consumer's home upon request.

The bill also requires authorized wheelchair dealers to maintain a phone line for consumer repair requests. The phone line must be accessible each business day and able to record messages. The bill requires dealers to respond to repair requests within one business day after the request and maintain a sufficient supply of parts to timely

repair wheelchairs.

The bill allows authorized wheelchair dealers to assess (1) reasonable fees for timely wheelchair repair when the warranty has expired and (2) an additional surcharge for repairing a wheelchair that is not functional due to abuse, neglect, unauthorized modification, or alteration.

## **ENFORCEMENT**

The bill requires DSS to set penalties in regulations for violating the bill's timely repair requirements. Under the bill, following notice and an opportunity for a hearing under the Uniform Administrative Procedure Act, DSS may reduce or withhold Medicaid funding for any authorized CRT supplier or wheelchair dealer who sells or leases wheelchairs to Medicaid recipients for violating the bill's timely repair requirements, regardless of whether the violation involved a wheelchair purchased, leased, or repaired under the Medicaid program. For violations involving wheelchairs sold, leased, or repaired outside of the Medicaid program, the bill authorizes the DSS commissioner to reduce or withhold Medicaid funding under any future Medicaid contract for wheelchair purchase, lease, or repair with the supplier or dealer.

## **BACKGROUND**

### ***Complex Rehabilitation Technology (CRT)***

CRT includes products classified as durable medical equipment in the Medicare program as of January 1, 2013, that are individually configured and medically necessary for people to meet their specific and unique medical, physical, and functional needs and capacities for basic and instrumental activities of daily living. CRT includes complex rehabilitation manual and power wheelchairs and accessories, adaptive seating and positioning items and accessories, and other specialized equipment and accessories (e.g., standing frames and gait trainers).

## **COMMITTEE ACTION**

Human Services Committee

Joint Favorable Substitute

Yea 20    Nay 2    (03/19/2024)