

STATE OF NEW YORK

8740

2025-2026 Regular Sessions

IN ASSEMBLY

June 2, 2025

Introduced by M. of A. GALLAGHER -- read once and referred to the
Committee on Consumer Affairs and Protection

AN ACT to amend the general business law and the social services law, in
relation to enacting "Killian's law"

The People of the State of New York, represented in Senate and Assem-
bly, do enact as follows:

1 Section 1. Short title. This act shall be known and may be cited as
2 "Killian's law".

3 § 2. Article 32 of the general business law, as amended by chapter 219
4 of the laws of 2006, is renumbered article 32-A, and section 670, as
5 amended by chapter 219 of the laws of 2006, is renumbered section 676.

6 § 3. The general business law is amended by adding a new section 677
7 to read as follows:

8 § 677. Timely repair of wheelchairs. 1. No later than one year after
9 the effective date of this section, and after consultation with the
10 deputy secretary for human services and mental hygiene, the office of
11 the chief disability officer shall establish a "timely repair for wheel-
12 chair program" under which wheelchair manufacturers and authorized
13 wheelchair dealers or wheelchair lessors shall be held accountable for
14 wheelchair repairs requested by wheelchair owners as provided in this
15 section.

16 2. The chief disability officer shall require all wheelchair repairs
17 in the state to be completed within ten days of a request for such
18 repair. Such ten-day period shall start on the first business day
19 following the date of the request, provided that such wheelchair owner
20 permits a wheelchair manufacturer, authorized wheelchair dealer or
21 wheelchair lessor to access the device by either delivery to the custody
22 of such wheelchair manufacturer, authorized wheelchair dealer or wheel-
23 chair lessor, or alternatively, to the identified agent or other repre-
24 sentative. This election by the wheelchair owner can include at their

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 personal home, the home of a specified friend, a school, a dayhab
2 program, place of employment, or medical facility.

3 3. During the repair process, if any condition or defect renders a
4 wheelchair out of service for a total of thirty days or longer, the
5 owner of such wheelchair shall be entitled to receive a temporary wheel-
6 chair from the manufacturer of such owner's wheelchair for use until
7 such wheelchair owner's wheelchair is repaired and returned.

8 4. A wheelchair manufacturer, authorized wheelchair dealer or wheel-
9 chair lessor shall maintain an electronic mail address and a phone line
10 that is dedicated solely to receiving wheelchair repair requests. Such
11 electronic mail address and phone line shall be accessible each day and
12 capable of receiving and recording messages. Authorized wheelchair deal-
13 ers shall: (a) respond to a request for wheelchair repair no later than
14 one business day after the date such request was made; and (b) order
15 parts necessary for a wheelchair repair no later than three business
16 days after assessing the need for such repair.

17 5. The office of the chief disability officer shall maintain a phone
18 number and electronic mail address to be posted conspicuously on its
19 website, to receive and record complaints regarding timely wheelchair
20 repairs. No later than January first, two thousand twenty-six, and annu-
21 ally thereafter, the chief disability officer shall submit a report to
22 the governor and the legislature regarding any complaints received and
23 recorded pursuant to this subdivision. Such report shall be published
24 on the website of the office of the chief disability officer and visible
25 to the general public.

26 6. (a) No later than December thirty-first, two thousand twenty-seven,
27 and annually thereafter, an authorized wheelchair dealer that contracts
28 with the state to sell or lease wheelchairs to Medicaid recipients shall
29 submit a report to the office of the chief disability officer regarding
30 repair of such wheelchairs. Such report shall include, but not be limit-
31 ed to, minimum, maximum and average times from the date and time of a
32 wheelchair repair request for such authorized wheelchair dealer to: (i)
33 respond; (ii) conduct a repair assessment (1) in the home or other
34 community location, (2) remotely, or (3) at a repair facility; (iii)
35 request any necessary prior authorization from the department of social
36 services and receive a decision from the department of social services
37 on such request; (iv) order any wheelchair parts needed; (v) receive
38 delivery of any needed repair parts; and (vi) complete repairs (1) in
39 the home or other community location, (2) remotely, or (3) at a repair
40 facility.

41 (b) The office of the chief disability officer shall make the report
42 submitted under paragraph (a) of this subdivision available to the
43 public within sixty days of receiving it.

44 7. The chief disability officer, in conjunction with the attorney
45 general's office, shall promulgate rules, regulations, reporting
46 requirements, and penalties necessary to establish the timely repair for
47 wheelchair program and implement the provisions of this section.

48 § 4. The social services law is amended by adding a new section 367-j
49 to read as follows:

50 § 367-j. Reimbursement and billing procedures for wheelchairs. 1. The
51 commissioner shall maintain specific reimbursement and billing proce-
52 dures under this title for the evaluation, diagnosis and repair of
53 wheelchairs, to ensure that Medicaid payments for such service permit
54 adequate access to such products and services for complex needs of
55 patients and take into account the significant resources, infrastruc-

1 ture, and staff needed to make such evaluation, diagnosis and repair of
2 wheelchairs.

3 2. The commissioner shall monitor the addition of new billing codes
4 for the evaluation, diagnosis and repair of wheelchairs by the Medicare
5 program and shall expeditiously incorporate such codes under this
6 section.

7 3. Where reimbursement rates are determined by a managed care organ-
8 ization, such rates shall be determined consistent with this subdivi-
9 sion. The commissioner of social services may establish minimum bench-
10 mark reimbursement rates to be paid by managed care organizations under
11 this paragraph.

12 4. For the purposes of this section, the term "wheelchair" means a
13 manual or motorized wheeled device designed for use by a person with a
14 physical disability, and shall apply to such devices whether owned or
15 leased.

16 § 5. Paragraph a and subparagraphs 1 and 2 of paragraph b of subdivi-
17 sion 2 and paragraph a of subdivision 3 of section 676 of the general
18 business law, as amended by chapter 219 of the laws of 2006 and such
19 section as renumbered by section two of this act, are amended to read as
20 follows:

21 a. A manufacturer who sells a wheelchair to a consumer, either direct-
22 ly or through a wheelchair dealer, shall furnish the consumer with an
23 express warranty for the wheelchair. The duration of the express warran-
24 ty shall be not less than [~~one year~~] two years after first delivery of
25 the wheelchair to the consumer. In the absence of an express warranty
26 from the manufacturer, the manufacturer shall be deemed to have express-
27 ly warranted to the consumer of a wheelchair that, for a period of [~~one~~
28 ~~year~~] two years from the date of first delivery to the consumer, the
29 wheelchair will be free from any condition or defect which substantially
30 impairs the value of the wheelchair to the consumer.

31 (1) By law, the manufacturer shall be deemed to have provided to you,
32 the purchaser of a wheelchair, a [~~one~~] two year warranty which starts on
33 the date of first delivery to you. This warranty provides that the
34 wheelchair will be free from any condition or defect that substantially
35 impairs its use, value or safety.

36 (2) To ensure you receive the benefits of this warranty, you must
37 report any problems and make the wheelchair available to the manufactur-
38 er, authorized wheelchair dealer or wheelchair lessor for repair before
39 [~~one year~~] two years after first delivery.

40 a. If a new wheelchair does not conform to an applicable express
41 warranty and the consumer reports the nonconformity to the manufacturer,
42 the wheelchair lessor or any of the manufacturer's authorized wheelchair
43 dealers and makes the wheelchair available for repair before [~~one year~~]
44 two years after first delivery of the wheelchair to a consumer, the
45 nonconformity shall be repaired at no charge to the consumer.

46 § 6. The general business law is amended by adding a new section 678
47 to read as follows:

48 § 678. Medically necessary wheelchair repairs. 1. Notwithstanding any
49 other provision of law, any wheelchair repair that is needed within five
50 years of the initial prescription shall be deemed medically necessary
51 and shall not require a new prescription or prior authorization from
52 insurance before proceeding with repair.

53 2. The chief disability officer shall seek any federal approval neces-
54 sary, including amending the Medicaid state plan or applying for a Medi-
55 caid waiver, to implement the provisions of this section.

1 3. The department of financial services shall promulgate any rules
2 and/or regulations to implement the provisions of this section.
3 § 7. This act shall take effect on the ninetieth day after it shall
4 have become a law. Effective immediately, the addition, amendment and/or
5 repeal of any rule or regulation necessary for the implementation of
6 this act on its effective date are authorized to be made and completed
7 on or before such effective date.