

# STATE OF NEW YORK

7595

2025-2026 Regular Sessions

## IN ASSEMBLY

April 1, 2025

Introduced by M. of A. ROMERO -- read once and referred to the Committee on Health

AN ACT to amend the general business law, in relation to directing the department of health to establish a right to preventative maintenance of wheelchairs program

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

1 Section 1. Article 32 of the general business law, as amended by chap-  
2 ter 219 of the laws of 2006, is renumbered article 32-A, and section  
3 670, as amended by chapter 219 of the laws of 2006, is renumbered  
4 section 676.

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

7 § 677. Preventative maintenance of wheelchairs. 1. No later than one  
8 year after the effective date of this section, and after consultation  
9 with the deputy secretary for human services and mental hygiene and the  
10 office of the chief disability officer, the department of health shall  
11 establish a "preventative maintenance of wheelchairs program" under  
12 which owners and lessors of wheelchairs shall be afforded biannual  
13 appointments for preventative maintenance in accordance with this  
14 section.

15 2. The commissioner of health shall promulgate rules, regulations, and  
16 reporting requirements to establish the program pursuant to subdivision  
17 one of this section. Factors considered shall include, but not be limit-  
18 ed to, length of enrollment in the program and ways to certify author-  
19 ized repair providers.

20 3. (a) The commissioner of social services shall maintain specific  
21 reimbursement and billing procedures under this section for wheelchairs  
22 to ensure that Medicaid payments for wheelchair repairs permit adequate  
23 access to such products and services, and takes into account the signif-  
24 icant resources, infrastructure, and staff needed.

25 (b) The commissioner of social services shall monitor the addition of  
26 new billing codes for wheelchair repairs by the Medicare program and

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

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1 shall expeditiously incorporate such codes in accordance with this  
2 subdivision.

3 (c) Where reimbursement rates are determined by a managed care organ-  
4 ization, such rates shall be determined consistent with this subdivi-  
5 sion. The commissioner of social services may establish minimum bench-  
6 mark reimbursement rates to be paid by managed care organizations under  
7 this paragraph.

8 4. As used in this section, the following terms shall have the follow-  
9 ing meanings:

10 (a) "Authorized repair provider" means an individual or business that  
11 is unaffiliated with an original equipment manufacturer and that has an  
12 arrangement with such original equipment manufacturer, for a definite or  
13 indefinite period, under which such original equipment manufacturer  
14 grants to such individual or business a license to use a trade name,  
15 service mark, or other proprietary identifier for the purposes of offer-  
16 ing the services of inspection, diagnosis, maintenance, or repair of  
17 wheelchairs under the name of such original equipment manufacturer, or  
18 other arrangement with such original equipment manufacturer to offer  
19 such services on behalf of such original equipment manufacturer. An  
20 original equipment manufacturer that offers the services of inspection,  
21 diagnosis, maintenance, or repair of its own wheelchairs, and that does  
22 not have an arrangement described under this subdivision with an unaf-  
23 filiated individual or business, shall be considered an authorized  
24 repair provider with respect to such wheelchairs.

25 (b) "Independent repair provider" means an individual or business,  
26 other than the original equipment manufacturer, that is engaged in the  
27 services of inspection, diagnosis, maintenance, or repair of wheelchairs  
28 for purposes of returning such wheelchairs to the safety and performance  
29 specifications established by such original equipment manufacturer and  
30 to meet its original intended use.

31 (c) "Original equipment manufacturer" means a business engaged in the  
32 selling, leasing, or otherwise supplying new wheelchairs or parts manu-  
33 factured by, or on behalf of, itself, to any individual or business.

34 (d) "Preventative maintenance" means an assessment of a wheelchair and  
35 its use by an authorized repair provider or an original equipment  
36 manufacturer to ensure that such wheelchair maintains its originally-de-  
37 signed quality, function, and utility, and that includes an assessment  
38 of:

39 (i) the physical condition of the complex rehabilitation technology;  
40 (ii) a review of all maintenance that is listed in such wheelchair's  
41 owner's manual; and

42 (iii) any needed repairs that such authorized independent repair  
43 provider or original equipment manufacturer is able to complete.

44 (e) "Repair" means the repair or replacement of a deficient, broken,  
45 or otherwise malfunctioning part, component, hardware, or software, when  
46 such deficient, broken, or otherwise malfunctioning state of such part,  
47 component, hardware, or software results in the incapacity of or other-  
48 wise diminished capacity for use of a wheelchair.

49 (f) "Wheelchair" means a manual or motorized wheeled device designed  
50 for use by a person with a physical disability, and shall apply to such  
51 devices either owned or leased.

52 § 3. This act shall take effect on the ninetieth day after it shall  
53 have become a law. Effective immediately, the addition, amendment and/or  
54 repeal of any rule or regulation necessary for the implementation of  
55 this act on its effective date are authorized to be made and completed  
56 on or before such effective date.