STATE OF NEW YORK

6210

2025-2026 Regular Sessions

IN SENATE

March 6, 2025

Introduced by Sens. ASHBY, HELMING, OBERACKER, PALUMBO, RHOADS, ROLISON, WEBER -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection

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:

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

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

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

2. The commissioner of health shall promulgate rules, regulations, and reporting requirements to establish the program pursuant to subdivision one of this section. Factors considered shall include, but not be limited to, length of enrollment in the program and ways to certify authorized repair providers.

3. (a) The commissioner of social services shall maintain specific reimbursement and billing procedures under this section for wheelchairs to ensure that Medicaid payments for wheelchair repairs permit adequate

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

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access to such products and services, and takes into account the significant resources, infrastructure, and staff needed.

(b) The commissioner of social services shall monitor the addition of new billing codes for wheelchair repairs by the Medicare program and shall expeditiously incorporate such codes in accordance with this subdivision.

(c) Where reimbursement rates are determined by a managed care organization, such rates shall be determined consistent with this subdivision. The commissioner of social services may establish minimum benchmark reimbursement rates to be paid by managed care organizations under this paragraph.

4. As used in this section, the following terms shall have the following meanings:

(a) "Authorized repair provider" means an individual or business that is unaffiliated with an original equipment manufacturer and that has an arrangement with such original equipment manufacturer, for a definite or indefinite period, under which such original equipment manufacturer grants to such individual or business a license to use a trade name, service mark, or other proprietary identifier for the purposes of offering the services of inspection, diagnosis, maintenance, or repair of wheelchairs under the name of such original equipment manufacturer, or other arrangement with such original equipment manufacturer to offer such services on behalf of such original equipment manufacturer. An original equipment manufacturer that offers the services of inspection, diagnosis, maintenance, or repair of its own wheelchairs, and that does not have an arrangement described under this subdivision with an unaffiliated individual or business, shall be considered an authorized repair provider with respect to such wheelchairs.

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

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

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

(i) the physical condition of the complex rehabilitation technology;

(ii) a review of all maintenance that is listed in such wheelchair's owner's manual; and

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

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

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

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