

# STATE OF NEW YORK

6369

2025-2026 Regular Sessions

## IN SENATE

March 11, 2025

Introduced by Sens. SKOUFIS, ASHBY, OBERACKER, ROLISON -- 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 and the social services law, in relation to enacting "Killian's law"

The People of the State of New York, represented in Senate and Assembly, 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.