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:

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

§ 2. 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.

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

§ 677. Timely repair 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, the office of the chief disability officer shall establish a "timely repair for wheelchair program" under which wheelchair manufacturers and authorized wheelchair dealers or wheelchair lessors shall be held accountable for wheelchair repairs requested by wheelchair owners as provided in this section.

2. The chief disability officer shall require all wheelchair repairs in the state to be completed within ten days of a request for such repair. Such ten-day period shall start on the first business day following the date of the request, provided that such wheelchair owner permits a wheelchair manufacturer, authorized wheelchair dealer or wheelchair lessor to access the device by either delivery to the custody of such wheelchair manufacturer, authorized wheelchair dealer or wheelchair lessor, or alternatively, to the identified agent or other representative. 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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personal home, the home of a specified friend, a school, a dayhab program, place of employment, or medical facility.

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

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

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

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

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

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

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

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

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

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

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

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

a. A manufacturer who sells a wheelchair to a consumer, either directly or through a wheelchair dealer, shall furnish the consumer with an express warranty for the wheelchair. The duration of the express warranty shall be not less than [~~one year~~] two years after first delivery of the wheelchair to the consumer. In the absence of an express warranty from the manufacturer, the manufacturer shall be deemed to have expressly warranted to the consumer of a wheelchair that, for a period of [~~one year~~] two years from the date of first delivery to the consumer, the wheelchair will be free from any condition or defect which substantially impairs the value of the wheelchair to the consumer.

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

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

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

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

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

2. The chief disability officer shall seek any federal approval necessary, including amending the Medicaid state plan or applying for a Medicaid waiver, to implement the provisions of this section.

3. The department of financial services shall promulgate any rules and/or regulations to implement the provisions of this section.

§ 7. 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.