

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:

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

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

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1 access to such products and services, and takes into account the signif-
2 icant resources, infrastructure, and staff needed.

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

7 (c) 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. As used in this section, the following terms shall have the follow-
13 ing meanings:

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

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

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

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

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

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

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

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

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