HOUSE DOCKET, NO. 1574 FILED ON: 1/18/2023

HOUSE . . . . . No. 202

The Commonwealth of Massachusetts

PRESENTED BY:

Joseph D. McKenna and David K. Muradian, Jr.

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act expanding wheelchair protection for consumers with disabilities.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Joseph D. McKenna	*18th Worcester*	*1/18/2023*
David K. Muradian, Jr.	*9th Worcester*	*1/18/2023*
David F. DeCoste	*5th Plymouth*	*4/5/2023*

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HOUSE . . . . . No. 202

By Representatives McKenna of Webster and Muradian of Grafton, a petition (accompanied by bill, House, No. 202) of Joseph D. McKenna and David K. Muradian, Jr., relative to expanding wheelchair protection for consumers with disabilities. Children, Families and Persons with Disabilities.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court
(2023-2024)

An Act expanding wheelchair protection for consumers with disabilities.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 93 of the General Laws, as appearing in the most recent edition, is hereby amended by inserting after section 107 the following new section:-

Section 107A.

(a) As set forth in this section, the term "authorized wheelchair supplier" shall mean, any seller of a wheelchair that supplies products and services of complex rehabilitation technology equipment.

The term "complex rehabilitation technology wheelchair" shall mean, a specialized, medically necessary, and individually configured manual or power wheelchair. The provision of this specialized equipment requires evaluation, configuration, fitting, adjustment, and programming along with long-term maintenance and repair services.

(b) Prior authorization for any repair of a complex rehabilitation technology wheelchair shall not be required by any payor.

(c) (1) Any authorized wheelchair supplier that provides a complex rehabilitation technology wheelchair shall be required to repair said product in a timely manner within Massachusetts. Pursuant to this subsection, the Department of Public Health shall establish standards for repairing complex rehabilitation technology wheelchairs in a timely manner and the expected quality of each repair. Prior to promulgating any standards or regulations pursuant to this subsection, the Department of Public Health shall engage in a stakeholder process, which process shall include qualified complex rehabilitation technology professionals, authorized wheelchair suppliers, and complex rehabilitation technology consumers. This stakeholder process will be used to develop the metrics for timeliness and quality of repair

(2) The department shall enforce existing regulations in regards to authorized wheelchair suppliers servicing equipment they sell within the commonwealth

(3) The Department of Public Health shall develop an attestation statement that the authorized wheelchair supplier shall submit affirming that the authorized wheelchair supplier is compliant with the applicable repair and service requirements through the department's enrollment and revalidation process.

(d) The Department of MassHealth in conjunction with the Division of Insurance shall establish a fee schedule to reimburse authorized wheelchair suppliers for the evaluation and diagnosis of complex rehabilitation technology wheelchair repairs.

(e) This section shall take effect six months after the effective date in order for any regulations necessary to effectuate its purpose to be promulgated.