

HOUSE No. 4358

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, August 7, 2025.

The committee on Consumer Protection and Professional Licensure, to whom was referred the petition (accompanied by bill, House, No. 1278) of James J. O'Day and others relative to wheelchair warranty protections, reports recommending that the accompanying bill (House, No. 4358) ought to pass.

For the committee,

TACKEY CHAN.

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**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**

An Act relative to wheelchair repair requirements and consumer protection.

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

1 SECTION 1. Chapter 93 of the General Laws, as appearing in the 2022 Official Edition,
2 is hereby amended by inserting after section 107 the following new section:-

3 Section 107A. (a) As used in this section the following words shall have the following
4 meanings unless the context clearly indicates otherwise:

5 "Authorized wheelchair dealer", any company doing business in the state selling or
6 leasing wheelchairs, including complex rehabilitation technology wheelchairs.

7 "Complex rehabilitation technology wheelchair", a specialized, medically necessary
8 manual or powered wheelchair individually configured for the user with specialized equipment
9 that requires evaluation, configuration, fitting, adjustment, programming and long-term
10 maintenance and repair services.

11 "Consumer", the purchaser or lessee of a wheelchair, including a complex rehabilitation
12 technology wheelchair, irrespective of whether the purchase or lease of the wheelchair is funded
13 in whole or in part by the consumer or privately or publicly funded health insurance.

14 "Timely repair", as soon as practicable but not later than ten business days after the date
15 of request for repair from a consumer that makes the wheelchair available and any prior
16 authorization required from an insurer has been acquired; provided, any time spent waiting for
17 prior authorization from an insurer or for delivery of necessary parts ordered for the repair by an
18 authorized wheelchair dealer shall not be included in the ten business days.

19 "Wheelchair", a manual or motorized wheeled device that enhances the mobility or
20 positioning of an individual with a disability and includes a complex rehabilitation technology
21 wheelchair.

22 (b) An authorized wheelchair dealer shall timely repair a wheelchair, including a complex
23 rehabilitation technology wheelchair, sold or leased by such dealer in the state. An authorized
24 wheelchair dealer who sells or leases a complex rehabilitation technology wheelchair in the state
25 shall provide timely repair of such wheelchair at a consumer's home upon request.

26 (c) An authorized wheelchair dealer shall maintain an electronic mail address and a
27 phone line for consumer repair requests that are accessible each business day and capable of
28 receiving and recording messages. The authorized wheelchair dealer shall respond to a request
29 for wheelchair repair not later than one business day after the date of request, and order parts for
30 a repair not later than three business days after assessing the need for the repair or after receiving
31 prior authorization from an insurer for the repair.

32 (d) Manufacturers or other authorized wheelchair dealers shall fill all repair and
33 replacement orders for wheelchairs pursuant to this section from their own inventory or have a
34 written subcontract for the purchase of items necessary to fill repair and replacement orders;
35 provided, however, that the subcontract shall be in writing and contain, at a minimum: (i) names,
36 addresses, phone numbers and contact information for both entities; (ii) the contract term start
37 and end dates; (iii) a description of the wheelchairs covered under the subcontract and the cost of
38 each item; (iv) signatures of both parties, including signature dates and position titles; (v) an
39 established credit limit that is reasonable, based on the value of the products and services to be
40 provided by the contractor; and (vi) a provision requiring shipping of parts, whenever feasible,
41 by overnight mail.

42 (e) (1) Nothing contained in this section shall be deemed to limit any rights or remedies
43 available to a consumer under any other law. Any waiver by a consumer of rights under this
44 section shall be void.

45 (2) In addition to pursuing any other remedy, a consumer may bring an action to recover
46 for damages caused by a violation of this section. The court shall award a consumer who prevails
47 in such an action twice the amount of any pecuniary loss, together with costs, disbursements and
48 reasonable attorney fees, and any equitable relief that the court deems is appropriate.

49 (f) The attorney general shall promulgate such rules and regulations as deemed necessary
50 for the interpretation, implementation, administration, and enforcement of this section. Such
51 authority shall be in addition to the attorney general's authority to promulgate rules and
52 regulations under section 2 of chapter 93A.

53 SECTION. 2. Chapter 118E of the General Laws, as so appearing, is hereby amended by
54 inserting after section 10Q the following section:-

55 Section 10R. For purposes of this section, “complex rehabilitation technology
56 wheelchair” shall mean a specialized, medically necessary manual or powered wheelchair
57 individually configured for the user with specialized equipment that requires evaluation,
58 configuration, fitting, adjustment, programming and long-term maintenance and repair services.

59 The division and its contracted health insurers, health plans, health maintenance
60 organizations, behavioral health management firms and third-party administrators under contract
61 to a Medicaid managed care organization or primary care clinician plan shall not require a
62 preauthorization for any repair of a complex rehabilitation technology wheelchair unless the
63 original prescription is more than five years old.

64 SECTION 3. Chapter 175 of the General Laws, as so appearing, is hereby amended by
65 inserting after section 47UU the following section:-

66 Section 47VV. For purposes of this section, “complex rehabilitation technology
67 wheelchair” shall mean a specialized, medically necessary manual or powered wheelchair
68 individually configured for the user with specialized equipment that requires evaluation,
69 configuration, fitting, adjustment, programming and long-term maintenance and repair services.

70 Any policy, contract, agreement, plan or certificate of insurance issued, delivered or
71 renewed within the commonwealth, which is considered creditable coverage under section 1 of
72 chapter 111M, shall not require a member to obtain a preauthorization for any repair of a
73 complex rehabilitation technology wheelchair unless the original prescription is more than five
74 years old.

75 SECTION 4. Chapter 176A of the General Laws, as so appearing, is hereby amended by
76 inserting after section 8VV the following section:-

77 Section 8WW. For purposes of this section, “complex rehabilitation technology
78 wheelchair” shall mean a specialized, medically necessary manual or powered wheelchair
79 individually configured for the user with specialized equipment that requires evaluation,
80 configuration, fitting, adjustment, programming and long-term maintenance and repair services.

81 Any contract between a subscriber and the corporation under an individual or group
82 hospital service plan that is delivered, issued or renewed within the commonwealth shall not
83 require a member to obtain a preauthorization for any repair of a complex rehabilitation
84 technology wheelchair unless the original prescription is more than five years old.

85 SECTION 5. Chapter 176B of the General Laws, as so appearing, is hereby amended by
86 inserting after section 4VV the following section:-

87 Section 4WW. For purposes of this section, “complex rehabilitation technology
88 wheelchair” shall mean a specialized, medically necessary manual or powered wheelchair
89 individually configured for the user with specialized equipment that requires evaluation,
90 configuration, fitting, adjustment, programming and long-term maintenance and repair services.

91 Any subscription certificate under an individual or group medical service agreement
92 delivered, issued or renewed within the commonwealth shall not require a member to unless the
93 original prescription is more than five years old.

94 SECTION 6. Chapter 176G of the General Laws, as so appearing, is hereby amended by
95 inserting after section 4NN the following section:-

96 Section 400. For purposes of this section, “complex rehabilitation technology
97 wheelchair” shall mean a specialized, medically necessary manual or powered wheelchair
98 individually configured for the user with specialized equipment that requires evaluation,
99 configuration, fitting, adjustment, programming and long-term maintenance and repair services.

100 Any individual or group health maintenance contract that is issued or renewed shall not
101 require a member to obtain a preauthorization for any repair of a complex rehabilitation
102 technology wheelchair unless the original prescription is more than five years old.

103 SECTION 7. Section 25 of chapter 176O of the General Laws, as so appearing, is hereby
104 amended by inserting after the word “services”, in line 49, the following words:- ; provided,
105 however, that a health plan shall not require a prior authorization for any repair of a complex
106 rehabilitation technology wheelchair unless the original prescription is more than five years old.