

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

James J. O'Day

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 relative to wheelchair repair requirements and consumer protection.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>James J. O'Day</i>	<i>14th Worcester</i>	<i>1/17/2025</i>
<i>Mindy Domb</i>	<i>3rd Hampshire</i>	<i>1/27/2025</i>

HOUSE No.

[Pin Slip]

The Commonwealth of Massachusetts

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 is hereby amended by inserting after
2 section 107 the following section:-

3 Section 107 ½. (A) As used in this section the following words shall have the following
4 meanings unless the context clearly indicates otherwise:—

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

7 (2) "Complex rehabilitation technology" has the same meaning as provided in the general
8 statutes.

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

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

(5) "Timely repair" means as soon as practicable but not later than ten business days after the date of request for repair from a consumer, provided (A) the consumer makes the wheelchair available, (B) any prior authorization required from an insurer has been acquired, and (C) any time spent waiting for prior authorization from an insurer or for delivery of necessary parts ordered for the repair by an authorized wheelchair dealer shall not be included in the ten business days.

(6) "Wheelchair" means a manual or motorized wheeled device that enhances the mobility or positioning of an individual with a disability and includes a complex rehabilitation technology wheelchair.

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

(C) An authorized wheelchair dealer shall maintain an electronic mail address and a phone line for consumer repair requests that are accessible each business day and capable of receiving and recording messages. The authorized wheelchair dealer shall (1) respond to a request for wheelchair repair not later than one business day after the date of request, and (2)

order parts for a repair not later than three business days after assessing the need for the repair or after receiving prior authorization from an insurer for the repair.

(D) Manufacturers shall fill all repair and replacement orders for wheelchairs

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

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

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

(3) The attorney general from time to time shall promulgate such rules and regulations as deemed necessary for the interpretation, implementation, administration, and enforcement of section 170 1/2. Such authority shall be in addition to, and not in derogation of, the attorney

general's authority to promulgate rules and regulations under section two of chapter ninety-three
A.

SECTION. 2. Chapter 118E of the General Laws is hereby amended by inserting after
section 10Q the following section:-

Section 10R. For purposes of this section, “complex rehabilitation technology
wheelchair” shall mean an individually-configured manual or motorized wheeled device that
requires evaluation, configuration, fitting, adjustment or programming that is medically
necessary to enhance the mobility or positioning of an individual with a disability.

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

SECTION 3. Chapter 175 of the General Laws is hereby amended by inserting after
section 47UU the following section:-

Section 47VV. For purposes of this section, “complex rehabilitation technology
wheelchair” shall mean an individually-configured manual or motorized wheeled device that
requires evaluation, configuration, fitting, adjustment or programming that is medically
necessary to enhance the mobility or positioning of an individual with a disability.

Any policy, contract, agreement, plan or certificate of insurance issued, delivered or
renewed within the commonwealth, which is considered creditable coverage under section 1 of

chapter 111M, shall not require a member to obtain a preauthorization for any repair of a complex rehabilitation technology wheelchair unless the original prescription is more than five years old.

SECTION 4. Chapter 176A of the General Laws is hereby amended by inserting after section 8VV the following section:-

Section 8WW. For purposes of this section, “complex rehabilitation technology wheelchair” shall mean an individually configured manual or motorized wheeled device that requires evaluation, configuration, fitting, adjustment or programming that is medically necessary to enhance the mobility or positioning of an individual with a disability.

Any contract between a subscriber and the corporation under an individual or group hospital service plan that is delivered, issued or renewed within the commonwealth shall not require a member to obtain a preauthorization for any repair of a complex

rehabilitation technology wheelchair unless the original prescription is more than five years old.

SECTION 5. Chapter 176B of the General Laws is hereby amended by inserting after section 4VV the following section:-

Section 4WW. For purposes of this section, “complex rehabilitation technology wheelchair” shall mean an individually-configured manual or motorized wheeled device that requires evaluation, configuration, fitting, adjustment or programming that is medically necessary to enhance the mobility or positioning of an individual with a disability.

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

SECTION 6. Chapter 176G of the General Laws is hereby amended by inserting after section 4NN the following section:-

Section 4OO. For purposes of this section, “complex rehabilitation technology wheelchair” shall mean an individually configured manual or motorized wheeled device that requires evaluation, configuration, fitting, adjustment, or programming that is medically necessary to enhance the mobility or positioning of an individual with a disability.

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

SECTION 7. Section 25 of chapter 176O of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by inserting after the word “services”, in line 49, the following words:- ; provided, however, that a health plan shall not require a prior authorization for any repair of a complex rehabilitation technology wheelchair unless the original prescription is more than five years old.