

## HB258 INTRODUCED



1      HB258  
2      5V1EYMM-1  
3      By Representative Clarke  
4      RFD: State Government  
5      First Read: 15-Jan-26



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4     SYNOPSIS:

5                 There are no provisions in existing law  
6                 governing the repair of customized wheelchairs.

7                 This bill would require wheelchair repair  
8                 providers to make repairs in a timely manner. Repair  
9                 providers that are also licensed home medical equipment  
10                services providers would be subject to discipline by  
11                the Board of Home Medical Equipment for repeated  
12                failure to make timely repairs.

13                This bill would require Medicaid to cover the  
14                cost of a customized wheelchair when medically  
15                necessary. This bill would also require wheelchair  
16                repair providers that contract with Medicaid to submit  
17                annual reports to the Medicaid Agency concerning  
18                timeliness of repairs.

19                This bill would eliminate any requirement for a  
20                new prescription or prior authorization for the repair  
21                of a customized wheelchair from Medicaid or private  
22                health insurance, depending on the age of the  
23                wheelchair.

24                This bill would further require a manufacturer  
25                of customized wheelchairs to provide needed product  
26                information, tools, and parts directly to the consumer  
27                or a repair provider that is not affiliated with the  
28                manufacturer.



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29                   This bill would further provide that a  
30                   manufacturer's failure to comply with the standards for  
31                   assistance would be an unlawful trade practice, subject  
32                   to enforcement by the Attorney General or an aggrieved  
33                   owner under the Deceptive Trade Practices Act.

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38                   A BILL

39                   TO BE ENTITLED

40                   AN ACT

41

42                   Relating to wheelchair repair; to amend Section  
43                   34-14C-6, Code of Alabama 1975, to provide the Board of Home  
44                   Medical Equipment with authority to discipline licensees who  
45                   fail to repair customized wheelchairs in a timely manner; to  
46                   provide standards for timely repair of customized wheelchairs;  
47                   to require Medicaid to cover the cost of customized  
48                   wheelchairs when medically necessary; to limit the requirement  
49                   of prior authorization by Medicaid or private health insurance  
50                   for repair of certain customized wheelchairs; to impose a  
51                   reporting requirement on Medicaid repair providers; to require  
52                   manufacturers to provide the documentation, parts, or tools  
53                   necessary to repair a motorized wheelchair to independent  
54                   repair businesses on the same terms as provided to the  
55                   manufacturer's authorized repair businesses; and to provide  
56                   that a violation of this requirement is an unlawful trade



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57 practice under Chapter 19 of Title 8, Code of Alabama 1975.

58 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

59         Section 1. (a) For the purposes of this section, the  
60 following terms have the following meanings:

61             (1) CONSUMER. The individual who uses a a customized  
62 wheelchair in his or her residence, regardless of whether the  
63 purchase or lease of the wheelchair is funded in whole or in  
64 part by the consumer or by private or public health insurance.

65             (2) CUSTOMIZED WHEELCHAIR. A manual or motorized  
66 wheelchair that is individually configured for the consumer  
67 with specialized equipment that requires evaluation,  
68 configuration, fitting, adjustment, programming, and long-term  
69 maintenance and repair services.

70             (3) REPAIR PROVIDER. An authorized repair provider or  
71 an independent repair provider, both as defined in Section 5  
72 of this act, that repairs customized wheelchairs and that may  
73 or may not be a home medical services provider subject to  
74 Chapter 14C of Title 34, Code of Alabama 1975.

75             (b) (1) A repair provider shall make timely repair of a  
76 customized wheelchair according to the requirements of this  
77 subsection.

78             (2) Upon request, a repair provider shall make timely  
79 repair of a customized wheelchair at the consumer's residence  
80 if the consumer attests that he or she is unable to have the  
81 wheelchair delivered to the repair provider's place of  
82 business.

83             (3) A repair provider shall maintain and advertise an  
84 electronic mail address and a phone number so that a consumer



85 may request a repair.

86 (4)a. A repair provider fails to make timely repair of  
87 a customized wheelchair for any of the following reasons:

88 1. Failure to respond to a consumer who requests  
89 assessment or repair no later than the end of the first full  
90 business day after the consumer makes the request.

91 2. If the wheelchair is delivered to the repair  
92 provider's place of business, failure to assess and identify  
93 the repairs necessary no later than the end of the first full  
94 business day after delivery.

95 3. If the consumer is unable to have the wheelchair  
96 delivered to the repair provider's place of business, failure  
97 to assess and identify the repairs necessary no later than the  
98 end of the third full business day after submission of the  
99 request for assessment or repair by the consumer.

100 4. If the repair may be covered by private or public  
101 health insurance, failure to submit a request for prior  
102 authorization within one business day of identifying the  
103 necessary repairs.

104 5. Failure to order the parts required for repair no  
105 later than three business days after: (i) assessing the need  
106 for repair; and if required, (ii) receiving prior  
107 authorization from private or publicly funded health  
108 insurance.

109 6. Failure to repair the wheelchair no later than three  
110 business days after receiving the parts ordered.

111 b. A repair provider makes timely repair of a  
112 customized wheelchair in any of the following circumstances:



113           1. The repair provider completes necessary repair of  
114       the wheelchair no later than 10 business days after the  
115       original request is submitted, even if the repair provided  
116       fails to comply with any requirement described in paragraph a.

117           2. The necessary repair is completed more than 10  
118       business days after the original request is submitted because:

119           (i) The consumer fails to make the wheelchair available  
120       for assessment or repair by missing an agreed upon appointment  
121       with the repair provider for an assessment or repair at the  
122       consumer's home or the repair provider's place of business; or

123           (ii) Shipment of the parts necessary for repair are  
124       ordered but not received, or through no fault of the repair  
125       provider, the shipment omits necessary parts or contains the  
126       wrong parts; or

127           (iii) Any other reason that is beyond the control of  
128       the repair provider, including a delay in receiving prior  
129       authorization from private or public health insurance.

130           c. If a consumer is required to use a repair provider  
131       that is designated by private or publicly funded insurance,  
132       the requirements in paragraphs a. and b. shall become  
133       operative when the consumer initiates communication with the  
134       repair provider designated by the insurer.

135           (c) (1) On and after October 1, 2026, the Board of Home  
136       Medical Equipment shall conspicuously post on its website an  
137       electronic mail address and phone number to receive complaints  
138       about a repair provider that is also a home medical services  
139       provider regarding failure to make timely repair of a  
140       customized wheelchair.



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141 (2) Upon receiving a complaint pursuant to this  
142 subsection, the board may investigate a repair provider that  
143 is also a home medical services provider for cause pursuant to  
144 Section 34-14C-4, Code of Alabama 1975.

145                   Section 2. Section 34-14C-6, Code of Alabama 1975, is  
146                   amended to read as follows:

147 "§34-14C-6

148 (a) The board may deny, suspend, or revoke a license as  
149 provided in this section.

150 (b) A license may not be denied, suspended, or revoked  
151 except by majority vote of the board and with prior notice and  
152 opportunity for hearing in accordance with this chapter and  
153 the Alabama Administrative Procedure Act.

154 (c) The board may institute a hearing for denial,  
155 suspension, or revocation of a license, or any person may file  
156 a written complaint with the board seeking the denial,  
157 suspension, or revocation of an application for licensure or  
158 license issued by the board or the investigation of any  
159 unlicensed person or entity providing home medical equipment  
160 services. The complaint shall be in a form prescribed by the  
161 board.

162 (d) A copy of the charges, including notice of the time  
163 and place of hearing, shall be served by certified mail,  
164 return receipt requested, at least 21 days before the  
165 scheduled hearing date to the most recent address of the  
166 applicant or licensee on file with the board, or to the last  
167 known address of any unlicensed personindividual or entity  
168 providing home medical equipment services. If the notice and



169 opportunity for hearing is refused or the return receipt has  
170 not been received by the board within 10 days before the  
171 scheduled hearing, the applicant, licensee, or unlicensed  
172 personindividual or entity may be served by mailing the  
173 charges and notice by first class mail, at least seven days  
174 before the hearing date, to the most recent address on file  
175 with the board~~r~~ or to the last known address of the unlicensed  
176 personindividual or entity providing home medical equipment  
177 services.

178 (e) The board may invoke disciplinary action as  
179 outlined in subsection (f) whenever it is established to the  
180 satisfaction of the board, after a hearing held in accordance  
181 with this chapter and the Alabama Administrative Procedure  
182 Act, that any person is guilty of any of the following acts:

183 (1) Violation of this chapter or a rule of the board.

184 (2) Making a material misrepresentation in furnishing  
185 information to the board.

186 (3) Making a misrepresentation to obtain licensure or  
187 to otherwise violate this chapter.

188 (4) Conviction of or entry of a plea of guilty or nolo  
189 contendere to any crime that is a felony under the laws of the  
190 United States, or any state or territory of the United States,  
191 or to any crime that is a misdemeanor, if an essential element  
192 of the crime is dishonesty or is directly related to providing  
193 home medical equipment services.

194 (5) Gross negligence or gross misconduct in providing  
195 home medical equipment services.

196 (6) Aiding, assisting, or willingly permitting another



197 person to violate any provision of this chapter or rule of the  
198 board.

199 (7) Failing, within 30 days, to provide information in  
200 response to a written request of the board.

201 (8) Failing to cooperate with an inspection or with an  
202 investigation conducted by the board.

203 (9) Engaging in dishonorable, unethical, or  
204 unprofessional conduct of a character likely to deceive,  
205 defraud, or harm the public.

206 (10) Denial, revocation, suspension, or restriction of  
207 a license in another state or jurisdiction to provide home  
208 medical equipment services for a reason other than failure to  
209 renew the license.

210 (11) Directly or indirectly giving to or receiving from  
211 any person, ~~partnership, corporation,~~ or other legal entity  
212 any fee, commission, rebate, or other form of compensation for  
213 services not actually or personally rendered.

214 (12) A finding that a licensee on probationary status  
215 has violated the terms of the probation.

216 (13) Willfully making or filing false records, reports,  
217 or billings in the course of providing home medical equipment  
218 services including, but not limited to, false records,  
219 reports, or billings filed with state or federal agencies or  
220 departments.

221 (14) The use of any words, abbreviations, figures, or  
222 letters with the intention of indicating practice as a home  
223 medical equipment services provider without having first  
224 obtained a license from the board.



225 (15) Failure to comply with state or federal laws,  
226 rules, and regulations concerning home medical equipment  
227 services providers.

228 (16) Solicitation of home medical equipment services  
229 using false or misleading advertising.

230 (17) Failure to display a license in accordance with  
231 this chapter.

232 (18) Failure to report a change of name, address,  
233 control, ownership, or administration to the board within 30  
234 days after the date of change.

235                   (19) Repeated failure to make timely repair of a  
236                   wheelchair as described in Section 1(b) of the act amending  
237                    this section.

238 (f) When the board finds any person guilty of any of  
239 the grounds set forth in subsection (e), the board may enter  
240 an order imposing one or more of the following penalties:

241 (1) A letter of reprimand.

242 (2) Imposition of probation for a period of time and  
243 subject to such conditions as may be prescribed by the board.

244 (3) Denial of an application for an initial or renewal  
245 license.

249 (5) Revocation of a license.

250 (6) Payment of restitution to each consumer negatively  
251 affected by the prohibited act. Proof of such restitution  
252 shall be a signed and notarized release executed by the



253 consumer or the estate of the consumer.

254 (7) Assessment of the costs of the disciplinary  
255 proceedings.

256 (g) Failure to comply with any final order of the board  
257 is also cause for suspension or revocation of a license. The  
258 board may suspend or revoke any license ~~which that~~ has been  
259 issued based on false or fraudulent representations.

260 (h) The board may informally resolve any alleged  
261 violation of this chapter or rule of the board by stipulation,  
262 agreed settlement, or consent order, in lieu of an  
263 administrative hearing.

264 (i) Any entity or ~~person~~individual found to be  
265 providing home medical equipment services without a license as  
266 required by this chapter shall be subject to an administrative  
267 fine of up to one thousand dollars (\$1,000) per day that  
268 services were provided without a license. Funds collected  
269 pursuant to this chapter shall be allocated to the  
270 administration of the program.

271 (j) Any entity or ~~person~~individual found to be  
272 providing home medical equipment services without a license as  
273 required by this chapter may be administratively enjoined by  
274 the board from providing services until such time as the  
275 entity or person complies with this chapter.

276 (k) In addition to any other disciplinary action  
277 authorized by this chapter, the board may levy and collect  
278 administrative fines for violations of this chapter or the  
279 rules or standards of the board in an amount of up to one  
280 thousand dollars (\$1,000) for each violation.



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281                   (1) Any ~~person~~individual or entity violating this  
282 chapter, upon conviction, shall be guilty of a Class A  
283 misdemeanor, and subject to fine or imprisonment, or both.

284                   (m) Any entity or ~~person~~individual subject to the  
285 penalties prescribed by subsections (i) and (j) may pursue an  
286 appeal through the board according to rules ~~promulgated~~adopted  
287 by the board.

288                   (n) Any hearings related to matters before the board  
289 shall be conducted in Montgomery County.

290                   (o) In addition to any other penalty or disciplinary  
291 action authorized by this chapter, the board may seek an  
292 injunction against any ~~person~~individual or entity found in  
293 violation of this chapter. In an action for an injunction, the  
294 board may demand and recover a civil penalty of fifty dollars  
295 (\$50) per day for each violation, reasonable attorney fees,  
296 and court costs. No civil penalty shall be awarded to the  
297 board if an administrative fine is assessed pursuant to  
298 subsection (i).

299                   (p) Upon the revocation or suspension of a license, the  
300 licensee shall immediately surrender the license to the board,  
301 and if the licensee fails to do so, the board may seize the  
302 license.

303                   (q) Any person aggrieved by an adverse action of the  
304 board may appeal the action to the Circuit Court of Montgomery  
305 County in accordance with the Alabama Administrative Procedure  
306 Act."

307                   Section 3. (a) As used in this section, the following  
308 words have the following meanings:

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309 (1) AGENCY. The Alabama Medicaid Agency.

310 (2) COMMISSIONER. The Commissioner of the Alabama  
311 Medicaid Agency.

312 (3) CUSTOMIZED WHEELCHAIR. As defined in Section 1 of  
313 this act for a Medicaid recipient with a disability who is  
314 unable to achieve maximum mobility with a standard wheelchair.

315 (4) REPAIR PROVIDER. As defined in Section 1 of this  
316 act.

317 (5) STANDARD WHEELCHAIR. A manual or motorized  
318 wheelchair that is not individually configured for a consumer.

319 (6) TIMELY REPAIR. As described in Section 1(b) of this  
320 act.

321 (b) A customized wheelchair shall be covered under  
322 Medicaid only if it is medically necessary and a standard  
323 wheelchair does not meet the recipient's needs as determined  
324 by the agency.

325 (c) (1) The commissioner shall not require a new  
326 prescription or prior authorization for the repair of a  
327 customized wheelchair unless the original prescription or  
328 authorization for the customized wheelchair is more than: (i)  
329 five years old in the case of a Medicaid recipient who is  
330 under 21 years of age; or (ii) seven years old in the case of  
331 a Medicaid recipient who is 21 years of age or older.

332 (2) The commissioner shall grant prior authorization to  
333 the replacement of a customized wheelchair only upon a  
334 determination that repair of the wheelchair would not  
335 adequately meet the needs of the recipient.

336 (d) No later than September 30, 2027, and annually



337 thereafter, a repair provider that contracts with the agency  
338 shall submit a report concerning timely repair to the  
339 commissioner that includes for each repair request all of the  
340 following information:

341 (1) The number of days to initially respond to the  
342 request.

343 (2) The number of days to conduct a repair assessment.

344 (3) Whether the repair assessment was made at the  
345 recipient's residence, the repair facility, remotely, or  
346 another location.

347 (4) If prior authorization to make the repair was  
348 necessary, the number of days to receive the agency  
349 determination.

350 (5) The number of days from the repair assessment to  
351 order a replacement part.

352 (6) The number of days from the repair assessment to  
353 complete repair of the wheelchair, including the number of  
354 days to receive any replacement part ordered.

355 (7) Whether the repair was completed at the recipient's  
356 residence, the repair facility, or another location.

357 (e) The commissioner shall seek any federal approval  
358 necessary, including amendment of the state Medicaid plan or  
359 application for a waiver, to implement this section.

360 (f) The commissioner shall adopt rules to implement  
361 this section.

362 Section 4. (a) As used in this section, the following  
363 words have the following meanings:

364 (1) CUSTOMIZED WHEELCHAIR. As defined in Section 1 of



365 this act.

366 (2) HEALTH BENEFIT PLAN. a. Any plan, policy, or  
367 contract issued, delivered, or renewed in this state that  
368 provides health coverage that includes payment for  
369 hospitalization, physician care, treatment, surgery, therapy,  
370 drugs, equipment, and any other medical expense, regardless of  
371 the following:

372 1. Whether the plan, policy, or contract is provided by  
373 a health care insurer, health maintenance organization  
374 established under Chapter 21A of Title 27, Code of Alabama  
375 1975, health care services plan established under Chapter 20  
376 of Title 10A, Code of Alabama 1975, or any other entity that  
377 pays for, purchases, or reimburses for health care services.

378 2. Whether the plan is for a group or an individual.

379 b. The term does not include accident-only, specified  
380 disease, individual hospital indemnity, credit, dental-only,  
381 Medicare supplement, long-term care, disability income, or  
382 other limited benefit health insurance policies, or coverage  
383 issued as supplemental to liability insurance, workers'  
384 compensation, or automobile medical payment insurance.

385 (b) Every health benefit plan issued, delivered, or  
386 renewed on and after January 1, 2026, may not require a new  
387 prescription or prior authorization for the repair or  
388 replacement of a customized wheelchair unless the original  
389 prescription is more than five years old.

390 Section 5. (a) For the purposes of this section, the  
391 following terms have the following meanings:

392 (1) AUTHORIZED REPAIR PROVIDER. A person to whom an



393 original manufacturer grants a license to use a trade name,  
394 service mark, or other proprietary identifier for the purpose  
395 of maintaining or repairing motorized wheelchairs on behalf of  
396 the original manufacturer. If the original manufacturer, in  
397 addition to selling, leasing, or supplying motorized  
398 wheelchairs, also directly performs maintenance and repair,  
399 the original manufacturer is the authorized repair provider.

400 (2) CONSUMER. An individual who owns or leases a  
401 motorized wheelchair.

402 (3) DOCUMENTATION. Any manual, diagram, reporting  
403 output, service code description, schematic diagram, security  
404 code, password, other guidance, or information necessary to  
405 maintain or repair a motorized wheelchair.

406 (4) INDEPENDENT REPAIR PROVIDER. A person that is  
407 unaffiliated with an original manufacturer and engages in the  
408 maintenance or repair of motorized wheelchairs.

409 (5) MAINTENANCE OR REPAIR. Services required to  
410 preserve the reliable performance of a motorized wheelchair;  
411 prevent malfunction or degradation due to use; correct a  
412 malfunction, including the diagnosis of a problem; remedy  
413 damage; or perform any other task required to restore a  
414 wheelchair to optimal functionality, including any product  
415 updates.

416 (6) ORIGINAL MANUFACTURER. A person that sells, leases,  
417 or supplies new motorized wheelchairs that are also  
418 manufactured by or on behalf of the person.

419 (7) PART. Any replacement part, whether new or used,  
420 provided by an original manufacturer for the purpose of



421 maintaining or repairing a motorized wheelchair.

422 (8) TOOLS. Any software, hardware, or other apparatus  
423 used for the maintenance or repair of a motorized wheelchair,  
424 including software or another mechanism to program a new part,  
425 calibrate functionality, or perform any other function  
426 required.

427 (b) (1) An original manufacturer shall make available,  
428 directly or through an authorized repair provider and in  
429 compliance with the terms required in subsection (c), any  
430 documentation, parts, or tools required for the maintenance or  
431 repair of a motorized wheelchair to the consumer or an  
432 independent repair provider.

433 (2) The duty described in subdivision (1) includes,  
434 with respect to an electronic security lock or other  
435 security-related function, the provision of any documentation,  
436 tools, or parts required to access and reset the lock or  
437 function when disabled during the maintenance or repair of a  
438 motorized wheelchair.

439 (3) The required documentation, parts, or tools may be  
440 provided to a consumer or independent repair provider through  
441 an appropriate secure release system.

442 (c) An original manufacturer shall fulfill the duty  
443 imposed in subsection (b) in good faith, which means in  
444 accordance with the minimum terms required in this subsection.

445 (1) Documentation shall be provided at no charge except  
446 for the actual cost of preparing and sending a physical copy.

447 (2) Parts shall be provided on the same terms as would  
448 apply to an authorized repair provider, including all of the



449 following:

450 a. Costs and terms equivalent to those that apply to an  
451 authorized repair provider, including any adjustments due to  
452 discount or rebate.

453 b. Convenient and timely means of delivery.

454 c. Parts identical to those available to an authorized  
455 repair provider to enable maintenance or repair that is at the  
456 current level of fully restored or updated functionality,  
457 including rights of use or other incentives or preferences  
458 given to an authorized repair provider.

459 d. No obligation or restriction that is not imposed on  
460 an authorized repair provider.

461 e. Without obligation to enter into a standing  
462 arrangement or contract with the original equipment  
463 manufacturer.

464 (3) Tools shall be provided subject to the following  
465 conditions:

466 a. At no charge, except for the actual cost of  
467 preparing and sending a tool in physical form.

468 b. No additional authorization required to use or  
469 operate the tool.

470 c. No additional impediment to access or use the tool  
471 or to enable full functionality of digital electronic  
472 equipment.

473 d. With sufficient instructions that a reasonable  
474 repair provider may use a tool to immediately perform  
475 maintenance or repair with little or no independent research  
476 on the Internet or other public sources.



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477 (d) In complying with this section, an original  
478 manufacturer shall not be required to divulge any trade secret  
479 to a consumer or independent repair provider.

480 (e) This section shall have no effect on the terms of  
481 an arrangement or contract between an original manufacturer  
482 and an authorized repair provider which includes, but is not  
483 limited to, maintenance or repair work by an authorized repair  
484 provider pursuant to a warranty or a recall, except that any  
485 term of the arrangement or contract that waives, avoids,  
486 restricts, limits, or interferes with the original  
487 manufacturer's duty to comply with this section shall be void.

488 (f) An original manufacturer or authorized repair  
489 provider shall not be liable for any damage to, or malfunction  
490 of, a motorized wheelchair which results from the use of  
491 documentation, parts, or tools provided pursuant to this  
492 section to a consumer or an independent repair provider.

493 (g) A failure to comply with this section shall be an  
494 unlawful trade practice under Chapter 19, Title 8, Code of  
495 Alabama 1975, subject to enforcement by the Attorney General  
496 pursuant to Section 8-19-4, Code of Alabama 1975, or an action  
497 by a consumer or independent repair provider pursuant to  
498 Section 8-19-10, Code of Alabama 1975.

499                   Section 6. This act shall become effective on October  
500                   1, 2026.