

Human Services Committee JOINT FAVORABLE REPORT

Bill No.: HB-6702

AN ACT CONCERNING A CONSUMER'S RIGHT TO TIMELY WHEELCHAIR

Title: REPAIRS.

Vote Date: 3/21/2023

Vote Action: Joint Favorable Substitute Change of Reference to Judiciary

PH Date: 2/21/2023

File No.:

***Disclaimer:** The following JOINT FAVORABLE Report is prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and does not represent the intent of the General Assembly or either chamber thereof for any purpose.*

SPONSORS OF BILL:

Human Services Committee

REASONS FOR BILL:

Wheelchair users have experienced a series of delays when it comes to repairing their devices repaired in a timely manner. Not having their wheelchairs repaired in a timely manner has caused great stress amongst wheelchair users as it comprises their independence, getting to work, or moving within their homes. This bill will require manufacturers of powered wheelchairs to provide documentation, tools, hardware, or software to allow a consumer to repair or hire an independent contractor to repair a powered wheelchair.

SUBSTITUTE LANGUAGE:

The substitute language requires a complex rehabilitation wheelchair dealer to make a service call within three days of notice of repair that renders the chair inoperable or unsafe to use regardless of whether the chair is still under warranty. It establishes new warranty and repair requirements for chairs sold or leased on and after October 1, including three-day service calls and loaners within four days if the chair can't be operated or operated safely and repair isn't the result of misuse. Requires the Aging and Disability Services Commissioner to set up a working group of industry reps and consumers to propose regulations by March 1, 2024. Additionally, it requires manufacturers or wheelchair dealers to establish a 24-hour call response system for consumers. Makes violations automatic violation of consumer protection law, after regulations are adopted, for complex wheelchairs and after October 1 for new wheelchairs. Finally, it strikes the underlying right-to-repair bill requiring manufacturers to share data to allow a nonauthorized dealer to repair a chair.

RESPONSE FROM ADMINISTRATION/AGENCY:

None stated.

NATURE AND SOURCES OF SUPPORT:

Connecticut Resident, New Haven, Sandra Roberts; supports this bill by [sharing a recent story](#) about getting her wheelchair repaired. It is stated that individuals that rely on wheelchairs have to wait long periods of time to receive services to their wheelchair and an emergency service system should be available in the state.

Connecticut Resident, Cynthia Synder; supports this bill stating there should be strict timelines for repairs to protect the rights of the state's most vulnerable population.

NATURE AND SOURCES OF OPPOSITION:

Agawam Medical Supply Corp., Assitive Technology, Professional, Anthony Depalo; opposes this bill stating most power wheelchairs or complex rehab repairs require extensive training and knowledge. It is stated that not properly diagnosing a power wheelchair or having the right software can lead to further damage beyond repair.

Clinician Task Force, Executive Director, Cara Masselink; opposes this bill stating there will be additional health, safety, and clinical risks for patients with disabilities who use power wheelchairs. It is stated that the present language will not fix the repair issues that patients currently face, and complex repairs should be limited to qualified repair companies who are trained and regulated.

Home Medical Equipment and Services Association of New England, President & CEO, Catherine Hamilton; opposes this bill stating they are concerned about unforeseen risks and complications for individuals with disabilities as well as the potential for unintended financial hardships. It is stated having a third-party repair company can cause difficulties when conducting recall procedures for customers.

National Coalition for Assistive and Rehab Technology, Associate Director, Mickae Lee; opposes this bill stating this would cause significant risks for individuals using power wheelchairs. It is stated that some repairs done by an independent repairs company may not be reimbursable if they are not enrolled with an insurance plan which may result in out-of-pocket costs. It is suggested that focusing on removing barriers to services performed by authorized technicians would be a safe route and will be an affordable alternative for consumers.

National Mobility Seating, VP Payer Relations, Diane Racicot; opposes this bill stating this will create additional risks, complications, and financial hardships for people with disabilities who use power wheelchairs. It is stated that this legislation will not provide resolutions to the true barriers to timely access and should be redirected to focus on needed actions in the policy and regulatory area.

National Registry of Rehab Technology Suppliers, Executive Director, Weesie Walker; opposes this bill stating that there are issues that could impact the safety and performance of

power mobility. It is stated manufacturers have certain expertise and have taken training to handle electronics in power chairs.

United Spinal Association, Vice President of Governmental Relations, Alexandra Bennewith; opposes this bill stating that right-to-repair bills are not the solution and wheelchair providers should only be accountable to the wheelchairs they service. It is stated that if a repair is done by an independent repair shop, and the repair goes wrong, then the original supplier is no longer responsible to chair that chair. It is stated this will add to the existing challenges that Connecticut wheelchair residents face when dealing with commercial insurance.

Connecticut Resident, Maureen Amirault; opposes this bill stating this is not the right route to go. It is stated since these repairs are handled through insurance, outside vendors may not be equipped with highly technical repairs and may be susceptible to out-of-pocket costs. It is also stated that there is no language in this bill that would hold companies accountable.

One person has anonymously submitted testimony in opposition to this bill.

NATURE AND SOURCES OF GENERAL COMMENTS:

The following individuals have submitted testimony in support of the recommendations from the advocates regarding a consumer's right to repair a wheelchair. It is stated the proposed changes would require a wheelchair supplier to come out and assess the equipment within 3 business days, define timely repair, require ADS to enact regulation, allow the consumer and the AG to take legal action if a supplier does not comply with timely repaired, a written notice of rights must be included with the wheelchair delivery, manufacturers must have stock or contracts with other companies to provide parts, and suppliers having a 24-hour call center for urgent wheelchair repairs.

AgingCT

The Arc of Connecticut, Inc., Director of Advocacy, Carol Scully

Center for Disability Rights, Programs Manager, Richard Famiglietti

Citizens Coalition Equal Access, Secretary, Ruth Grobe

Connecticut Legal Rights Project, Inc., Executive Director, Kathleen Flaherty

Connecticut State Independent Living Council, Executive Director, Molly Cole

Disability Rights Connecticut, Disability Advocate, Deirdre Ducharme

Disability Rights Connecticut, Litigation Attorney, Sheldon Toubman

Connecticut Resident, West Hartford, Suzanne Garraffa

Connecticut Resident, West Hartford, David Morgana, Jr.

Connecticut Resident, West Hartford, Mary-Ann Langton

Connecticut Resident, West Hartford, Carole Ozark

Connecticut Resident, Southbury, Joseph Shortt

Connecticut Resident, Jonathan Sigworth

Connecticut Resident, Milford, Thomas Wade

Reported by: Isaac Agyemang-Duah

Date: April 11, 2023