



February 27, 2023

Human Services Committee  
Legislative Office Building, Room 2000  
Hartford, CT 06106  
Submitted Electronically

Re: Opposition to Connecticut Bill HB 6702 “Consumer’s Right to Repair Power Wheelchairs”

Dear Co-Chairs and Members of the Committee:

We respectfully request the Connecticut General Assembly not move HB 6702 forward to avoid creating additional risks, complications, and financial hardships for people who utilize power wheelchairs. While we support changes in state policies and regulations that will remove existing barriers to wheelchair repairs, this legislation as it is currently written does not offer the needed solutions. We acknowledge the very real challenges users of power wheelchairs are experiencing in accessing repairs and services for their equipment and have a sincere desire to work with the General Assembly, advocacy groups, and other stakeholders to take action that addresses the root causes of this issue. We appreciate the opportunity to share the following comments.

1.) **This legislation would pose significant risks for individuals who utilize power wheelchairs.**

Power wheelchairs are Class 2 medical devices regulated by the Food and Drug Administration (FDA), prescribed by physicians, and configured under clinical guidance from a team of medical professionals and accredited providers. Adjustments or repairs to such equipment can have a significant impact on the wheelchair user’s positioning and safety. Even small maladjustments can impact the person’s respiratory function, digestive function, circulatory function, and needed skin pressure relief.

Wheelchair manufacturers rely on authorized repair networks to provide consumers with assurance that their products are serviced by properly trained and vetted professionals. Additionally, medical device manufacturers must comply with an extensive set of FDA regulations, both before and after bringing a device to market. Accordingly, they are required to conduct after-market surveillance and report any serious injury or product malfunction. That information is typically identified and gathered by their authorized repair networks. Wheelchair manufacturers do support voluntary contractual agreements with third-party servicers and repair entities, provided they can enforce the same rigorous quality standards and meet their own reporting obligations with the FDA. Manufacturers do not have the ability to oversee a large group of independent repair providers with whom they have no contractual or other relationship.

In light of the medical impact and important safety considerations, power wheelchairs should be serviced by professionals who are familiar with and properly trained to repair these products

without compromising standards or undermining safety specifications and consumer security.

2.) **This legislation will jeopardize consumers' ability to have their insurance pay for needed repairs and may void equipment warranties.**

Health insurance plans typically only pay for repairs provided by their enrolled suppliers based upon claims submitted with appropriate medical necessity documentation and, if applicable, required prior approval. Should consumers do their own repairs or obtain repairs from an independent repair center not enrolled with an insurance plan, they will lose any opportunity to be reimbursed by their insurance for the cost of the repair. Additionally, faulty repairs to power wheelchairs by untrained/unqualified entities can void the manufacturer's warranty if not done properly. Should this occur, the cost of any parts and labor for additional needed repairs would be the responsibility of the power wheelchair user.

3.) **Simplifying existing administrative requirements would allow providers to complete necessary repairs more efficiently to reduce equipment downtime for consumers.**

The current wheelchair repair process requires providers to supply medical documentation and, when applicable, obtain prior authorization for repairs to patient-owned wheelchairs. The administrative burden of collecting this documentation, submitting it, and then awaiting approval from payer sources means that power wheelchair users can be left waiting significant wait times for needed repair. Furthermore, if the repair is more complex and parts cannot be ordered until prior authorization approvals have been received, this may cause additional wait times for the individual and prolonged disruption to their daily life.

Because the medical necessity of the equipment in need of repair has already been established and approved, it is duplicative for providers to have to submit documentation of continued medical need and obtain subsequent prior approval to keep that same equipment working properly. Eliminating the need for prescriptions and prior authorization related to power wheelchair repairs would support faster turnaround on services that allow individuals to resume their normal activities (e.g., work/school/medical appointments) as quickly as possible.

4.) **To improve access to wheelchair service and repairs, policymakers must consider ways to improve coverage and payment policies that support the needed infrastructure.**

Providing service and repair to wheelchairs is labor-intensive and costly. Current coverage and payment are insufficient in that they do not support the infrastructure necessary to provide equipment repairs and do not address inflation or drastically increased costs of doing business.

Deficient reimbursement prevents providers from remaining competitive in the workforce and maintaining larger geographical service areas efficiently. The disparity between what is presently being reimbursed and what is required in technical skills, parts, administrative support, service time, and travel must be corrected.

The majority of wheelchair repair services are completed at the client's location; however, most health insurance plans' coverage of wheelchair repair limits reimbursable labor time to that of the actual time it takes to remove the broken part and install the new part. Technician travel and diagnostic evaluation time are not separately reimbursable.

The goal of every wheelchair provider is to repair equipment as quickly as possible to minimize disruptions to the consumer's daily life. However, due to the varying number of components required to configure wheelchairs that meet the medical and functional needs of the end user, repairs often cannot be completed on the same day as the repair evaluation. In some cases, the consumer may already have medically appropriate, patient-owned equipment that can be used when their primary wheelchair is being repaired. However, insurance plans must implement policies that allow for such "backup" equipment to also be repaired and kept in good working order. Several Medicaid programs already cover these types of repairs.

### **Conclusion**

Equipment owners sometimes wish to repair or modify their device independently or to have work completed by an unauthorized third-party servicer who is not affiliated with their wheelchair provider. While this may seem like an appealing option, such actions can lead to serious issues such as faulty repairs, lack of insurance coverage, out-of-pocket costs, nullification of equipment warranties, and risk of consumer injury. **Focusing on removing existing barriers to services performed by authorized technician networks will create a safe, reliable, and affordable process for consumers to act on when their wheelchair is in need of repair.**

NCART and our members remain committed to collaborating on policy improvements that improve access and that all stakeholders can support. We strongly urge further discussion to reach an agreement among all parties and welcome the opportunity to discuss our concerns and recommendations further.

Sincerely,



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### **“Myth Vs. Fact” - “Right to Repair Motorized Wheelchairs”**

We strongly request the Connecticut General Assembly not move forward with House Bill HB 6702 to avoid creating additional risks, complications, and financial hardships for people with disabilities who use power wheelchairs. While we support changes in state policies and regulations that will improve timely access to wheelchair repairs, this legislation does not offer those needed solutions.

A variety of misinformation has been circulated relating to right to repair for Power Wheelchairs. This analysis differentiates “Myth” from “Fact” to ensure legislators are fully informed of the negative aspects of this legislation.

- 1.) MYTH- “Physician-prescribed power wheelchairs are just like retail consumer electronic products and can be safely repaired by anyone.”

**FACT- These are not retail consumer electronic products. Power wheelchairs are complex equipment classified as Class 2 medical devices and regulated by the U.S. Food and Drug Administration (FDA). These are typically prescribed by a physician and clinical team who work together with the user to ensure proper configuration, positioning, and programming to meet the medical and functional needs of the individual. Most power wheelchairs require a prescription and are heavily regulated to ensure consumer safety and protection to avoid serious injury.**

- 2.) MYTH- “Power wheelchair users are NOT currently able to repair their own equipment or have others do the repairs should they so desire.”

**FACT- If desired, “simple” power wheelchair repairs that do not affect the safe operation of the wheelchair can currently be done by the user or another party. However, due to safety, liability, and warranty issues certain “complex” repairs are currently limited to only qualified repair entities who are regulated and trained. This bill would allow anyone to do “complex repairs”, whether qualified or not, leading to negative consequences for the power wheelchair user.**

- 3.) MYTH- “Under this legislation, power wheelchair users will still be able to get reimbursed for the costs of repairs through their health insurance plans as they currently do.”

**FACT- Health insurance plans typically only pay for repairs provided by their enrolled suppliers based upon claims submitted with appropriate medical necessity documentation including, if applicable, required prior approval. Should consumers do their own repairs or obtain repairs from an independent repair center not enrolled with an insurance plan, they will lose any opportunity to be reimbursed by their insurance for the cost of the repair.**

- 4.) MYTH- “This legislation solves the repair access problems for power wheelchair users”

**FACT- Power wheelchair users do experience challenges in accessing timely repairs for their equipment. There remain supply chain issues for parts as well as burdensome paperwork requirements that wheelchair providers must follow to ensure patients chairs are repaired correctly. Additionally current challenges are due to inappropriate policies and insufficient payment rates of federal, state, and commercial insurance plans that fund over 90% of these services. This legislation does not offer the needed solutions to solve the access problems for**

**power wheelchair users.**

- 5.) MYTH- “Wheelchair manufacturers are trying to monopolize the repair market and want to limit access to only their authorized repair centers in order to make more profits.”

**FACT- Manufacturers do not do repairs to power wheelchairs and do not have a financial incentive to limit access. Wheelchair repairs are done by unrelated and independent local businesses. Wheelchair manufacturers are opposed to this legislation due to significant concerns about safety and liability issues that will result from allowing these complex medical devices to be repaired by untrained/unqualified individuals. These devices are subject to strict U.S. Food and Drug Administration safeguards and reporting requirements as further described below. This legislation would significantly weaken these consumer protections.**

- 6.) MYTH- “This legislation does not create any issues regarding compliance with federal safeguards and reporting requirements that have been created related to user safety and medical devices.”

**FACT- Power wheelchairs are classified as Class 2 medical devices by the U.S. Food and Drug Administration. This legislation mandates that original equipment manufacturers (OEMs) treat any independent repair provider or individual owner the same way as the OEM’s authorized network of providers – but without any contractual protections, requirements, or restrictions. There are FDA safety reporting requirements that apply to these medical devices and manufacturers do not have the authority or capacity to oversee a large group of users and independent repair providers to which they are not otherwise contracted.**

- 7.) MYTH- “Someone repairing their own power wheelchair does not have to worry about jeopardizing their wheelchair warranty protection.”

**FACT- Repairs to power wheelchairs by untrained/unqualified individuals or entities can indeed void the manufacturer’s warranty if not done properly. Should this occur, the cost of any parts and labor for needed repairs will be the responsibility of the power wheelchair user.**

Contacts for additional information:

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The National Coalition for Assistive and Rehab Technology (NCART) is a non-profit organization working to ensure individuals with disabilities have adequate access to Complex Rehab Technology that increases independence and decreases health care costs. For more information visit [www.ncart.us](http://www.ncart.us).