

Human Services Committee

JOINT FAVORABLE REPORT

Bill No.: HB-7106

AN ACT CONCERNING RECOMMENDATIONS OF AN ADVISORY COUNCIL

Title: ON WHEELCHAIR REPAIR.

Vote Date: 3/19/2025

Vote Action: Joint Favorable Substitute

PH Date: 3/6/2025

File No.:

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SPONSORS OF BILL:

Human Services Committee

REASONS FOR BILL:

Inadequate and untimely wheelchair repair is a significant and pervasive problem in CT and affects all phases of the process, including lack of responsiveness to the initial call, delays in ordering or delivery of replacement parts, scheduling and completion of repairs, and lack of follow-up. Travel to a repair site may be difficult when appropriate transportation is unavailable or unaffordable. Additional complications arise when the repair cannot be done in the person's home because of a lack of available staff, scheduling challenges, or when a backup wheelchair is not available. When wheelchair repairs are delayed for weeks, months, or even years for persons dependent on their chair for mobility, they may be unable to carry out the most basic functions of life. Ultimately, lack of access to their wheelchair may result in deterioration of a person's medical condition that may not be reversible and result in loss of function, loss of productivity, and the need for additional and expensive medical care, including premature nursing home placement. This past year, the Wheelchair Repair Advisory Council has brought together consumers, advocates, industry providers, and state agencies of DSS, OHA, CDI, DCP, to monitor compliance with the law and make additional recommendations.

SUBSTITUTE LANGUAGE

Substitute language removes references to coverage for repairs to mobility scooters, non-emergency transportation, and expedited shipping (LSO 6480).

RESPONSE FROM ADMINISTRATION/AGENCY:

Connecticut Department of Social Services (DSS), Commissioner Andrea Barton

Reeves: opposes the bill as drafted because of several provisions for which no appropriation has been made. The Department has participated in the Wheelchair Advisory Council and has worked diligently to improve the monitoring process and participate in making recommendations. First, the addition of mobility scooters will result in fiscal impact that is unanticipated. Currently, DSS provides reimbursement for repairs of medically necessary customized wheelchairs and mobility scooters when such repairs are performed in-person by a repair technician. These services are billed in 15-minute increments when a repair or nonroutine service for durable medical equipment requires the skill of a technician's labor. The current coding and reimbursement do not include "remote" repairs and would result in new expenditures to the department. The proposal to provide transportation for Medicaid recipients to an authorized wheelchair repair shop could have several impacts, including risk for injuries, could divert of transportation resources away from other services, and such coverage would not be federally reimbursable. Currently, the department does not reimburse for annual maintenance for wheelchairs or mobility scooters. Regarding reimbursement for shipping costs, current Medicaid regulations specify that delivery and shipping costs are included in the price for the items and as such are not separately billable. Inclusion of remote repairs, transportation, shipping, and annual preventive maintenance will be an expansion of Medicaid coverage and will result in additional expenditures. Lastly, this bill proposes for DSS to inform Medicaid members of their rights as amended by any final legislation, and DSS is supportive of informing Medicaid members of changes and can do so in the absence of legislation.

Office of the Healthcare Advocate (OHA), Healthcare Advocate, Kathleen Holt: supports this significant step toward improving the well-being, independence and overall quality of life of individuals who rely on wheelchairs and mobility devices. While there are potential challenges and costs associated with these proposals, the overall benefits to citizens who are dependent on wheelchairs and mobility scooters and to longer-term cost savings in the healthcare system are substantial. Regarding preventive maintenance, OHA recommends implementing a preventive check of the wheelchair just prior to the expiration of the manufacturer's warranty, which typically occurs at the two-year mark. This ensures that any defects or necessary repairs can be addressed under warranty, reducing costs, and preventing future malfunctions. OHA believes it is imperative to expand this legislation to require repair companies to report data regarding all Connecticut wheelchair consumers, not just Medicaid recipients. This expansion will hold providers accountable for covering these essential services for all Connecticut consumers, thereby promoting fairness and equity in healthcare. OHA further supports the provision that would impose on the repair companies the obligation to inform wheelchair users, with OHA's input, regarding their rights to timely repairs and the resources available to them.

Connecticut Department of Consumer Protection (DCP), Commissioner Bryan

Cafferelli: supports the bill that creates a per se Connecticut Unfair Trade Practices Act (CUTPA) violation when an authorized wheelchair or mobility scooter dealer fails to meet timely repair requirements for more than five percent of repair requests in a thirty-day period. DCP accepts case referrals from OHA when there is an alleged pattern and practice of deceptive business activity that OHA believes needs to be addressed by DCP under the (CUTPA). DCP will require additional resources not provided for in the Governor's budget for

investigation and legal staff to track all authorized dealers for systemic noncompliance, evaluate complaints and handle an increased volume of cases.

NATURE AND SOURCES OF SUPPORT:

The Arc Connecticut, Director of Advocacy, Carol Scully: The Arc of Connecticut supports H.B. 7106 and the recommendations of the Advisory Council on Wheelchair Repair, including the inclusion of scooters to get the same protections as wheelchairs and the reasonable approach to enforcement by utilizing the CT Unfair Trade Practices Act (CUTPA) as a violation. CUTPA is enforceable by private parties and includes attorney fees.

Spinal Cord Injury Association, Connecticut, President, Jeffrey Dion: supports this bill as over the years my office has received numerous complaints of wheelchair users waiting for wheelchair untimely repairs which has left some users in bed, resulting in secondary medical complications with both respiratory issues and bed sores. These issues cost the state of Connecticut more money to fight these medical consequences which are preventable, but result in costly emergency room visits, multiple doctor visits, surgeries and temporary or even permanent nursing home stays. There is potential for losses in tax income because these individuals are no longer in our community creating jobs for PCAs as well as no longer working or spending money on everyday items.

Center for Disability Rights, CSA Programs Manager, Richard Famiglietti: supports the additions to strengthen the wheelchair repair law passed last year. Although grateful a bill passed last year it is WEAK. There were no consequences for the rehab industry when they exceeded the time for completing a repair, in fact it got even worse! It should NOT take 4 months to fix a tire.

Wells First Church Village (Weathersfield) and Sugarloaf Terrace (Middlefield), Resident Services Coordinator, Jennifer Jasenski: supports the provisions of the bill. It is stated, last year 'my' wheelchair bound residents, and I were very excited by the passage of the bill regarding the repair of wheelchairs in a timely manner." All consumers have had to wait months and even more than a year for their motorized chairs to be repaired. These motorized wheelchairs are essential for the independence of the users, rendering them unable to get out of bed, get to medical appointments, continue to live independently. A chair or scooter that does not work means the user might not be able to escape a fire. It can mean the inability to access a bathroom. One concern expressed is the definition of "emergency repair;" completely inoperable is a ridiculous requirement for repairs to be authorized. If a chair or scooter can go backwards it is not completely inoperable but really is not safe.

CRT Wheelchair Repair Advisory Council, Consumer Member David Morgana: supports the enforcement mechanisms in the proposed bill. He has been a WC user and self-advocate for 28 years and has been appointed as a member of the current WC Advisory Council, as well as the previous Wheelchair Repair Task Force. His own experience has been fraught with difficulties, and he states the responsiveness of WC repair companies has deteriorated in the last few years. He believes penalties are essential to improve the compliance with current law.

CRT Wheelchair Repair Advisory Council, Consumer Member Joseph Shortt: supports requiring monthly reporting of all repair compliance data and staffing levels; as well as requiring companies to advise their consumers about the law's requirements and how to file a complaint with OHA. Additionally, the bill will provide coverage for annual preventive maintenance, access to emergency repair services, express shipping on parts, and transportation for in shop repairs if needed. These changes along with the requirement that wheelchair users are notified of their rights and provided accurate documentation of their repair orders has him hopeful that repairs will be fulfilled as soon as possible with minimal delays and if there are any issues people will know where to file a complaint.

Connecticut Citizen Action Group, Associate Director, Liz Dupont-Diehl: supports the proposed legislation.

Citizen's Coalition 4 Equal Access: several members of the group submitted testimony of their own experiences/observations with WC repair:

Suzanne Garraffa, Member

Ruth Grobe, Secretary, and advocate

Ray Howell, Secretary, and member

Charles Hutchings, Member

James Moger, WC user

These Individuals submitted testimony of their personal/family experiences:

Freitas, Mary Lou, parent

Bev Jackson, WC user

Herb Kolodney, WC user

Mary-Ann Langton, WC user

Lydia Mele, WC user

Lili Vasileff, parent

SUPPORTS WITH RECOMMENDATIONS

Center for Disability Rights, Litigation Attorney, Sheldon Toubman: as a member of the Wheel Chair Repair Advisory Council he expresses support for the provisions that taken together, particularly mandated monthly reporting, mandated information in company newsletters and enforcement, should significantly improve repair timelines, likely increasing NSM by a few percentage points to reach the 95% compliance level avoiding the CUTPA trigger, and significantly improving Numotion's time by finally forcing it to hire needed staff. Based on discussions with wheelchair users, there are two small changes that would further benefit them by addressing total breakdowns on weekends and ensuring that, when a repair is completed, the individual is given sufficient information to assess whether a timeliness violation has occurred. Recommended changes in bold: Section 5 [Sec. 3 (5) in substitute]: add the words "provided on non-business days" in: "(5) "Emergency repair" means repair services **provided on non-business days** when a wheelchair or mobility scooter is completely inoperable on weekends and holidays and may include remote repair services if such service renders the wheelchair or mobility scooter operable." And Section 6(b) [Sec. 4 (b) in substitute]: add bolded language: "An authorized wheelchair or mobility scooter dealer shall provide a written receipt to a consumer upon completion of the repair that records the type of repair, the date the repair was requested [and], the date the repair was completed,

whether this completion was within ten business days of the date the repair was requested, and, if applicable, how many business days an ordered part needed for the repair was awaiting delivery and how many business days a request for prior authorization was pending.”

[Self-Advocate, Thomas Wade](#): supports this bill and suggests additions to strengthen the language. It is stated, he is paralyzed from the shoulders down, and have been using a custom chin operated power wheelchair for mobility since the early 1970s. "I depend, and have depended on my wheelchair for school, work, socializing, travel, and every other major aspect of my life. Without my wheelchair functioning properly, I am literally stuck in bed, unable to do any of the above and seriously putting my physical and emotional health at risk." The following consumer protections are recommended: **Require the supplier, when it finishes repair, to state on the document the number of days required for prior authorization (where applicable) or for parts to arrive, and whether the repair was completed within 10 business days from the date of request for the repair.** Providing this information will allow the consumer to more accurately assess compliance. **Make clear that the duty of emergency repairs, the need for which occurs on weekends and holidays, extends to repairing the device on those days** [Section 5(5)].

NATURE AND SOURCES OF OPPOSITION:

[NuMotion: Wheelchair and Mobility Equipment Company, Executive Vice President \(Eastern US\), Gary Gilberti](#): opposes the bill. He states they have been complying with the reporting and collaborating with members of the Wheelchair Repair Advisory Council in response to the law passed last year. They have engaged in the following activities to improve service: technician routing software, in shop service option, remote service technicians, talk desk phone routing system, Microsoft D365 inventory system, stocking most often used parts, automated order processing, increased service staff, increased technician compensation, and technician training programs. He states, they respectfully oppose this bill and suggest that they be allowed to continue to adjust to the existing 2024 legislation and continue to work with consumers toward positive progress before any additional regulations or penalties are applied.

[National Coalition for Assistive & Rehab Technology \(NCART\), Executive Director, Wayne Grau](#): opposes certain provisions of the bill as last year's law, PA-24-58, has so recently taken full effect in January of 2025. We respectfully request a full year of time to fully implement the provisions of it prior to adding more requirements as the industry's efforts are paying off and will continue. He stated caution regarding the inclusion of mobility scooters because of the complexity of the market and the user rarely have the personalized equipment as is needed for wheelchair user. NCART SUPPORTS the following provisions that are already being implemented or they believe would enhance services for customers: 1) Transportation by Medicaid and health insurance recipients to a repair facility, 2) Preventative maintenance, 3) expedited shipping, 4) the Commissioner's role in informing consumers of their rights. It was stated, they OPPOSE the following provisions because they are already being done: 1) email and phone line, 2) response to repair request, 3) order parts based on the definitions, 4) sufficient staff & inventory, 5) scheduling system, 6) follow-up email, 7) contact information, and 8) compensation reporting. We OPPOSE the requirement of monthly reporting because of the undue burden and recommend the reporting be required quarterly at

a quarterly meeting of the Advisory Council. We OPPOSE the initiation of monetary penalties at this time as the industry is still accommodating to the requirement that took effect in January 2025.

Reported by: Rebecca McClanahan

Date: April 3, 2025