

Farrah Garland
Connecticut Wheelchair Reform Coalition
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NOTICE TO CEASE AND DESIST

Dear Mr. Teufel, Mr. Pierce and Ms. Racicot,

I'm writing to each of you to remind you of Connecticut's Public Act 24-58, which went into effect on July 1, 2024, because, as the chair of the CT Wheelchair Reform Coalition and a NSM consumer, I have acquired direct evidence that your company is blatantly disregarding this new law.

This new law states, in part:

- Definition Section 1(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.
- Section 2. (Effective July 1, 2024): (a) 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.
- 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.
- Sec. 4. (also effective July 1, 2024): (a) There is established a complex rehabilitation technology and wheelchair repair advisory council to monitor repairs of wheelchairs, including complex rehabilitation technology wheelchairs, as defined in section 1 of this act, and to make recommendations concerning improving repair times.

(The full bill is available at the official website of the CT legislature, at [AN ACT CONCERNING WHEELCHAIR REPAIR REQUIREMENTS.](#))

Your recorded hold message on your customer repair line for Connecticut consumers informs them that an assessment could take up to three weeks, but that coming into the shop could get them seen sooner. Specifically, the recorded message, which I received when I called the Niantic number on July 28 1:30pm EST, stated "Have you considered one of our alternate evaluate or repair appointment options, such as an in-person appointment at our branch. We have the ability to serve your needs in a more timely manner. Current wait times to evaluate clients at their home or a repair clinic can be up to three weeks." I am requesting that you cease using this message, as both the coordinator of the Coalition and an NSM consumer.

Per the new state legislation, all repair request calls must be returned within 24 business hours *and repairs* must then be completed within 10 business days of that request (with exceptions only for waiting for timely ordered parts or for any required prior authorization). If it is taking three weeks just to do an *assessment*, with unknown days after that for the repairs to be completed, clearly your company is severely out of compliance with the new law, and it is plainly admitting this fact in its recorded message. Encouraging people to come to the shop to get quicker service violates sections 1 and 2 of the law because assessments and repairs together must be completed in 10 business days, and that specifically includes *at the person's home upon their request*. In other words, consumers are already entitled to much faster service in their homes than the declared three weeks just for an assessment, so it is false and manipulative for your company to declare that individuals can only get faster service by coming into the shop.

Your company must immediately correct this hold message and bring itself into compliance with the one business day response period and the ten day actual repair deadline, which leaves no room for three week delays just for doing the assessment.

As noted in section 4 of the new law, a wheelchair repair advisory council composed of consumers, state agencies, industry representatives, advocates, and legal experts will be closely monitoring repair times, compliance, and customer service and making recommendations for remedies for non-compliance. As an appointed member to the advisory council, which will be meeting shortly, I will be presenting recorded evidence of this non-compliance, but would also hope to report that NSM took swift action to correct its messaging. I therefore request that you also prepare to present your company's July and August data, of the kind which is already required in your annual report to the advisory council, without delay after the close of each of these two months. I think it is fair to say that my colleagues on the council would likely be interested in seeing this data and on a timely basis.

I appreciate your taking the time and effort to address these pressing issues swiftly.

Sincerely,

Farrah Garland (they/them)
Chair, CT Wheelchair Reform Coalition

cc: Governor Ned Lamont
Commissioner Amy Porter
Commissioner Andrea Barton Reeves
Senator Martin Looney
Speaker Matthew Ritter
Senator Matthew Lesser, Human Services Committee co-chair
Rep. Jillian Gilchrest, Human Services Committee co-chair
Senator Lisa Seminara, Human Services Committee ranking member
Rep. Jay Case, Human Services Committee ranking member

Senator James Maroney, General Law Committee co-chair
Rep. Michael D'Agostino, General Law Committee co-chair
Senator Paul Cicarella, General Law Committee ranking member
Rep. David Rutigliano, General Law Committee ranking member
Rep. Mike Demicco
Rep. Frank Smith
Attorney General William Tong
Sean King, State Healthcare Advocate
Wayne Grau, NCART
Gary Gilberti, Vice President, Numotion

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