

Sponsor Testimony - ECM hearing on January 21 2025

Uploaded by: Aaron Kaufman

Position: FAV

HB 31 – RIGHT TO REPAIR WHEELCHAIRS

SPONSOR TESTIMONY: DELEGATE AARON KAUFMAN

HOUSE ECONOMIC MATTERS COMMITTEE – TUESDAY, JANUARY 21, 2025

Hello Chair Wilson and members of the Economic Matters Committee. My name is Delegate Aaron Kaufman, District 18, Montgomery County. I am asking for your favorable report on HB 31 – Right to Repair Wheelchairs. There is precedent for the bill as Delegate Kevin Hornberger has introduced legislation in the past about the “Right to Repair” tractors and farm equipment. I am asking for Delegate Hornberger to be added as a co-sponsor to this bill, as he is passionate about this issue.

This issue is very personal for me. My late brother Jay was in a wheelchair his entire life due to his cerebral palsy and being a quadriplegic. When we were kids my grandmother was being honored by the Israeli Embassy in Washington, DC. My brother’s wheelchair broke the day before the ceremony and could not be repaired in time, thus he could not go to DC to attend her ceremony. The day after the ceremony, my grandmother went to Israel to attend a wedding, and while she was there, she was killed in a car accident. Therefore my brother missed his last chance to see her alive.

The “right to repair” bill is modeled after legislation based in Colorado in 2022. This bill would require a manufacturer to provide parts, embedded software, firmware or documentation to independent wheelchair repair providers and owner’s of manufacture’

powered wheelchairs to allow an independent provider to conduct diagnostic, maintenance or repair services on the owner's powered wheelchair. A manufacturer's failure to comply with the requirement is a deceptive trade practice.

When a person has to rely on a powered wheelchair to get around, get to their jobs, take care of their families, buy groceries and attend to their loved ones -, any delay in repairs is a quality of life issue and a matter of life and death. Also, if a person does not have their wheelchair to get around this leads to isolation and inhibits the ability of people with mobility impairments to achieve maximum independence. This is similar that if it would take a month or more to have your car repaired, and you cannot rent another car or borrow a car from a friend, it is a detriment to you and your family. Delays in repairs and faulty service has also been connected to injuries, hospitalizations and even death. For wheelchair users in the United States, the rules and the marketplace are stacked against them, and against repair.

In a report published by the US Public Interest Research Group (PIRG), they report that there are 3 million plus wheelchair users in the United States. US PIRG conducted a survey of wheelchair users, and 62 percent of the respondents said it took four or more weeks to repair wheelchairs. 40% of respondents said it took 7 or more weeks to get their chairs repaired. In the same report, 93% of persons said that they have needed service on their chairs in the past year. This same report also states that payers have created roadblocks by adding "prior authorization" requirements for repairs, and/or requiring people

to have a doctors visit which adds days or weeks of unnecessary time before a person can have their wheelchair repaired. This puts burdens on individuals and/or their families – they have to choose to work through the insurance process and wait for a decision from the insurance company or pay for parts and labor out of their pockets, which is costly and financially cumbersome.

The Colorado “Right to Repair” bill that passed, requires manufacturers of powered wheelchairs to make parts, documentation and service tools available to wheelchair owners and independent repair technician so persons can get their wheelchairs repaired by local technicians instead of having to send their chair to the large manufacturing company. This law makes life better for wheelchair owners by making it easier to have wheelchairs serviced and repaired.

Currently, wheelchair users face long wait times for repairs that affect their mobility, their livelihood and their financial well-being. People deserve to have prompt repair, high quality service and repairs completed at affordable prices. Wheelchair users have found that the price in delay of repairs is very high – especially with persons experiencing physical injuries, impaired mobility and lost productivity. If repairs are delayed and/or done incorrectly, wheelchair users can develop pressure sores or respiratory illness that can lead to hospitalization, or worse.

Most repairs to wheelchairs do not require specialized skills or training, just a familiarity with how to repair mechanical devices – and family members or friends can do the repairs, but that does not ensure that the wheelchairs will be repaired correctly. Power wheelchair users are running up against manufacturer-imposed software locks and restrictions that give the **manufacturers** the control over who is allowed to service and configure the power wheelchairs which restricts the chair owner from creating their own settings and configuring the chair to suit their needs and comforts.

This bill is needed so people can be given the tools and resources so they can repair their own products, thus giving them more independence and decreasing the wait times for repair through a larger manufacturer. Wheelchair users also need to be liberated from a burdensome and inefficient repair and service market.

Again, I ask for your favorable report on HB 31 – the Right to Repair Wheelchairs. This bill is being co-sponsored with me by Delegate Kevin Hornberger, thus creating bipartisan support for this bill.

Sponsor Testimony - ECM hearing on January 21 2025

Uploaded by: Aaron Kaufman

Position: FAV

HB 31 – RIGHT TO REPAIR WHEELCHAIRS

SPONSOR TESTIMONY: DELEGATE AARON KAUFMAN

HOUSE ECONOMIC MATTERS COMMITTEE – TUESDAY, JANUARY 21, 2025

Hello Chair Wilson and members of the Economic Matters Committee. My name is Delegate Aaron Kaufman, District 18, Montgomery County. I am asking for your favorable report on HB 31 – Right to Repair Wheelchairs. There is precedent for the bill as Delegate Kevin Hornberger has introduced similar legislation in the past about the “Right to Repair” tractors and farm equipment. Delegate Hornberger has asked to be added as a co-sponsor to this bill, as he is passionate about this issue.

Power wheelchairs today are embedded with computers and often require special tools. Manufacturers will not share the necessary software and codes or provided tools to independent wheelchair repair shops. As a result, individuals must find manufacturers’ authorized repair shops for repairs or send the chairs back to the manufacturer, all causing unnecessary expenses and require the wheelchair user to be without their wheelchairs for extended periods of time curtailing their ability to go to work, doctors’ appointments and participate in the community.

This bill will prevent manufacturers from exercising a monopoly on repairs and in doing so will alleviate expenses, time delays for wheelchair users being without their chairs and help independent repair businesses.

This issue is very personal for me. My late brother Jay was in a wheelchair his entire life due to his cerebral palsy and being a quadriplegic. When we were kids my grandmother was being honored by the Israeli Embassy in Washington, DC. We all planned on attending the event. My brother's wheelchair broke several days before the ceremony and it could not be repaired in time for the ceremony because his independent repair shop could not get the necessary tools from the manufacturer, thus he could not go to DC to attend her ceremony. The day after the ceremony, my grandmother went to Israel to attend a wedding, and while she was there, she was killed in a car accident. As a result of the delay in repairing his wheelchair my brother missed his last chance to see her alive.

The "right to repair" bill is modeled after legislation based in Colorado in 2022. This bill would require a manufacturer to provide parts, embedded software, firmware or documentation to independent wheelchair repair providers and owner's of manufacturers powered wheelchairs to allow an independent provider to conduct diagnostic, maintenance or repair services on the owner's powered wheelchair. A manufacturer's failure to comply with the requirement would be considered a deceptive trade practice.

When a person has to rely on a powered wheelchair to get around, get to their jobs, take care of their families, buy groceries and attend to their loved ones -any delay in repairs is a quality of life issue and a matter of life and death. Also, if a person does not have their wheelchair to get around this leads to isolation and inhibits the ability of people with mobility impairments to achieve maximum independence. More often than not a person's wheel chair has been customized for them so they cannot just get a loaner. This is similar that if it would take a month or more to have your car repaired, and you cannot rent another car or borrow a car from a friend, it is a detriment to you and your family. Delays in repairs and faulty service has also been connected to injuries, hospitalizations and even death.

In a report published by the US Public Interest Research Group (PIRG), they report that there are 3 million plus wheelchair users in the United States. US PIRG conducted a survey of wheelchair users, and 62 percent of the respondents said it took four or more weeks to repair wheelchairs. 40% of respondents said it took 7 or more weeks to get their chairs repaired. In the same report, 93% of persons said that they have needed service on their chairs in the past year.

The Colorado "Right to Repair" bill that passed, requires manufacturers of powered wheelchairs to make parts, documentation and service tools available to wheelchair owners and independent repair technician so persons can get their wheelchairs repaired by local technicians instead of having to send their chair to the large manufacturing company. This

law makes life better for wheelchair owners by making it easier to have wheelchairs serviced and repaired.

Currently, wheelchair users face long wait times for repairs that affect their mobility, their livelihood and their financial well-being. People deserve to have prompt repair, high quality service and repairs completed at affordable prices. Wheelchair users have found that the price in delay of repairs is very high – especially with persons experiencing physical injuries, impaired mobility and lost productivity. If repairs are delayed and/or done incorrectly, wheelchair users can develop pressure sores or respiratory illness that can lead to hospitalization, or worse. Some repairs to wheelchairs do not require specialized skills or training and could be undertaken by family members or friends but they cannot get the tools or codes necessary to make the repairs. Power wheelchair users are running up against manufacturer-imposed software locks and restrictions that give the **manufacturers** the control over who is allowed to service and configure the power wheelchairs which restricts the chair owner from creating their own settings and configuring the chair to suit their needs and comforts.

This bill is needed so people can be given the tools and resources so they can repair their own products, thus giving them more independence and decreasing the wait times for repair through a larger manufacturer. Wheelchair users also need to be liberated from a burdensome and inefficient repair and service market.

Again, I ask for your favorable report on HB 31 – the Right to Repair Wheelchairs. I also want to make the committee aware that the fiscal note for this bill shows that this issue does not require any state dollars attached to this cause! This bill is being co-sponsored with me by Delegate Kevin Hornberger, thus creating bi-partisan support for this bill. Thank you very much for your time and attention.

IL Written Testimony - HB 31 - Favorable.pdf

Uploaded by: Chris Kelter

Position: FAV



HB 31: Consumer Protection - Right to Repair - Powered Wheelchairs

Testimony of the Maryland Independent Living Network

SUPPORT – Favorable

House Economic Matters Committee, January 21, 2025

The Maryland Independent Living Network is a coalition of the Maryland Statewide Independent Living Council and the seven Maryland-based Centers for Independent Living (CIL). CILs are created by federal law. CILs work to enhance the civil rights and quality of services for people with disabilities. There are seven CILs located throughout Maryland, operated by and for people with disabilities. CILs provide Information and Referral, Advocacy, Peer Support, Independent Living Skills training, and Transition Services to individuals with disabilities in their communities.

The Independent Living Network submits this written testimony in **support** of HB 31.

HB 31 requires powered wheelchair manufacturers to make available certain documentation, parts, embedded software, firmware, and tools to independent repair provider or owner of a powered wheelchair. Furthermore, HB 31 provides that a violation of the Act constitutes an unfair, abusive, or deceptive trade practice and is subject to certain enforcement and penalty provisions. The bill would be applied prospectively.

It is well documented that individuals with disabilities that use powered wheelchairs experience long wait times for repairs to be completed on their powered wheelchairs. To the extent that the bill's requirements can shorten or eliminate wait times for powered wheelchair repairs, the bill would sustain the independence of individuals with disabilities that use powered wheelchairs.

The bill in its current form could be problematic if owners and users of powered wheelchairs attempt to make repairs themselves once they have acquired the documentation, parts, embedded software, firmware, and tools under the bill's provisions. To the extent that an owner and user of a powered wheelchair attempts to repair their own powered wheelchair in which the repair is not successful could exacerbate the initial problem requiring the repair and create safety issues for the user if not completed properly. Accordingly, consideration of an amendment that excludes owners and users of powered wheelchairs from obtaining documentation, parts,

embedded software, firmware, and tools may ensure that qualified persons and independent repair providers who then obtain the required documentation, parts, embedded software, firmware, and tools under the bill's provisions would complete the required repairs in a timely manner.

We appreciate the consideration of these comments. Accordingly, the Maryland Independent Living Network strongly **supports** HB 31.

Contact Information:

Chris Kelter, Executive Director
Accessible Resources for Independence
443-713-3914
ckelter@arinow.org

Danielle Bustos, MDYLF Coordinator
Independence Now
240-898-2189
dbustos@innow.org

HB641 Curbside Voting Testimony.pdf

Uploaded by: Cody Drinkwater

Position: FAV



Maryland

Ways and Means Committee

HB0641 Election Law Curbside Voting

2/13/2024

Position: SUPPORT

Written by Cody Drinkwater

Requiring each local board of elections, at least 6 months prior to each statewide primary election, to designate an outside location for curbside voting, subject to the approval of the State Board; requiring a local board to take into account certain factors when determining a location for curbside voting; and establishing requirements governing curbside voting, including requirements related to the designation of curbside voting locations and how to vote at a curbside voting location.

Honorable Chairperson, and distinguished members of the House Ways and Means Committee:

People On the Go of Maryland (POG) is a statewide self-advocacy organization, ran for and by those with intellectual and/or developmental disabilities (IDD), and our mission is to promote self-advocacy throughout the state.

POG would like to extend our support for HB0641. Curbside voting is a fundamental voting accommodation for those persons with disabilities who have mobility struggles and limitations. POG believes that designating a specific building to ensure voting accessibility will allow for those with disabilities or others who may be considered disenfranchised to have access to voting opportunities. Furthermore, this bill provides the following opportunities for disabled voters:

- Accessibility of the location to historically disenfranchised communities
- Proximity of the location to dense concentrations of voters
- Accessibility of the location by public transportation
- maximizing voter participation, including through the use of community centers and public gathering places as locations for curbside voting.

For these reasons, People On the Go advises a favorable report for HB0641. Thank you for your consideration.

Should you have any questions. Please contact Mat Rice.

Thank you,

Mat Rice, Executive Director

M: 410-925-5706

E: mat@pogmd.org

HB 31 Right to Repair Powered Wheelchair DRM Favor

Uploaded by: Daria Pugh

Position: FAV

Economic Matters Committee
House Bill 31
Consumer Protection - Right to Repair - Powered Wheelchairs
January 21, 2025
Position: Support

Disability Rights Maryland submits this testimony in support of House Bill 31, Right to Repair Powered Wheelchairs. HB 31 allows powered wheelchair users and independent repair providers access to manuals, software, and parts, creating more options for Marylanders with disabilities for their wheelchair repairs. The right to repair is critical for power wheelchair users to maintain their mobility, autonomy, and access to community.

The current landscape for wheelchair repairs is ripe for delays and poor customer service.

Marylanders have little choice for wheelchair maintenance and repair providers. The powered wheelchair market is dominated by two private equity-backed companies driven to increase profits and cut spending.¹ “Mom and pop” wheelchair providers and repair shops have mostly been pushed out of the market. When an individual needs a powered wheelchair repair, they can no longer go to a shop down the road. These large companies have little incentive to provide quick, reliable repairs as the bulk of their income is generated by selling new wheelchairs. Consequently, wheelchair users suffer from repair delays and inadequate customer service.

Wheelchair repair delays are not just inconvenient; they are disruptive and dangerous. Wheelchairs are customized to meet an individual’s needs. If one component, like the footrest or movement controls, malfunctions, it can put the individual at serious risk of hospitalization or long-term injury. If a person’s wheelchair is not functioning properly, their life may have to be put on hold until it is repaired. They may have to rely on friends and family to help them with activities of daily living. They may get stuck in unsafe situations. They may miss work, medical care appointments, or meetings with loved ones because they cannot safely leave their house. The right to

¹ *Equity for Whom? An Introduction to Private Equity’s impacts on the Disability Community*, Disability Rights Education & Defense Fund, (October 2024), (https://dredf.org/wp-content/uploads/2024/10/DREDF_Equity-For-Whom-Intro_October-2024.pdf), at pg. 14.

repair would open more options for people with disabilities so they can avoid this inefficient process.

Powered wheelchair repairs can be prohibitively expensive.

The right to repair would make repairs more affordable, and help people get preventative maintenance to avoid needing repairs. Depending on insurance coverage, power wheelchair repairs can be costly. Many insurance companies do not cover maintenance. We need to expand Marylander's access to wheelchair maintenance and repairs to keep our residents safe and healthy in their wheelchairs. The right to repair would help prevent large, costly wheelchair repairs. When a wheelchair user needs to make a repair, there will be more options in the competitive marketplace, or they could do the repair themselves.

Many people with disabilities who need power wheelchairs may have to get a wheelchair from outside insurance, either because their health insurance has denied their request for a powered wheelchair, or because they are uninsured. The right to repair will provide a lifeline for this group of people. It would allow a person to customize and update a secondhand wheelchair or maintain a wheelchair that they got through crowdfunding for lower cost than going through the original vendor.

People with disabilities deserve autonomy and self-determination.

The right to repair wheelchairs would change the landscape of wheelchair repairs and give the power back to Marylanders with disabilities to make decisions about their wheelchairs themselves. Several states have already made the change to empower consumers with the right to repair for a variety of consumer electronics, and Colorado and California have even included an additional right specific for powered wheelchair users.²

Maryland should also be a leader in the right to repair to empower consumers with greater access to wheelchair repairs, increase competition,

² Colo. Rev. Stat. Ann. Part 15: Consumer Right to Repair (applies to powered wheelchairs specifically, as well as other consumer products); Cal. Bus. & Prof. Code Div. 8, Chap.8.5: Consumer Wheelchair Right to Repair; Cal. Pub. Res. Code § 42488.2: right to repair act (California has a separate general consumer electronic right to repair in addition to powered wheelchairs.); Minn. Stat. Ann. § 325E.72, Digital Fair Repair Act; N.Y. Gen. Bus. Law § 399-nn; Or. Rev. Stat. Ann. § Ch. 69, § 1 Right to repair consumer electronic equipment; requirements for original equipment manufacturers.

and support local businesses. The right to repair powered wheelchairs would be life-changing for many wheelchair users, and in some cases, lifesaving.

Thank you for your consideration of this critical legislation. For these reasons, we request a favorable report on HB 31. Please do not hesitate to contact me at DariaP@DisabilityRightsMD.org or (443) 692-2487.

Respectfully submitted,

Daria Pugh, Esq.
Staff Attorney
Disability Rights Maryland

HB31_Wheelchair Repair Rights_FAV_PIRG_ECM.pdf

Uploaded by: Emily Scarr

Position: FAV

Maryland PIRG

HB31: Consumer Protection - Right to Repair - Powered Wheelchairs Economic Matters Committee

January 21st, 2025

Emily Scarr, Maryland PIRG Senior Advisor

FAVORABLE

Maryland PIRG is a state based, small donor funded public interest advocacy organization with grassroots members across the state. We work to find common ground around common sense solutions that will help ensure a healthier, safer, more secure future.

In 2022, lawmakers in Colorado responded to concerns from disability advocates and passed the nation's first law to ensure repair rights for wheelchairs, and we hope you will join them. CoPIRG, Maryland PIRG's sister organization, supported the Colorado effort and released a report, [Stranded](#), to take a close look at the situation facing people in wheelchairs (attached to this testimony).

We surveyed 141 wheelchair users from across the country, the information is pretty shocking:

- 93% needed their chair serviced in the last year, and 68% had to wait 4 or more weeks for repair.
- Some had to wait more than 24 weeks. This causes serious limits to mobility, ability to work, go to doctors appointments, etc.
- One respondent said that "If non-disabled people had to wait weeks or months to get their vehicles worked on, there would be protests in the street!"

One of the main reasons for this is there just aren't enough repair providers through the large national wheelchair dealerships, which have experienced a wave of consolidation over the last decade.

According to those authorized repair companies, a large majority of these repairs are minor issues -- issues that if that authorized repair company can't address in a timely manner, the chair's owner might want to get addressed by another repair expert. In our survey, 68% of respondents to our survey felt that "a friend, family member or independent repair professional with the right information, access to parts, etc." could fix many or all of the problems that caused them to make a service request.

Manufacturers might argue that allowing the wheelchair user to access repair manuals, or software tools, could result in someone accidentally damaging their own chair.

I think it ought to be your choice what you do with the chair you own. It's your life, and waiting months to fix minor issues because the system is broken. Right to Repair provides options for people to make their own choices about what is best for them -- choices that are already being employed by wheelchair users in Colorado to improve their quality of life.

We thank Delegate Kaufman for bringing this legislation and we urge a favorable report.

HB31_Wheelchair Repair Rights_FAV_PIRG_NATHANPROCT

Uploaded by: Emily Scarr

Position: FAV

Maryland PIRG

HB31: Consumer Protection - Right to Repair - Powered Wheelchairs Economic Matters Committee

January 21st, 2025

Emily Scarr, Maryland PIRG Senior Advisor

FAVORABLE

Maryland PIRG is a state based, small donor funded public interest advocacy organization with grassroots members across the state. We work to find common ground around common sense solutions that will help ensure a healthier, safer, more secure future.

In 2022, lawmakers in Colorado responded to concerns from disability advocates and passed the nation's first law to ensure repair rights for wheelchairs, and we hope you will join them. CoPIRG, Maryland PIRG's sister organization, supported the Colorado effort and released a report, [Stranded](#), to take a close look at the situation facing people in wheelchairs (attached to this testimony).

We surveyed 141 wheelchair users from across the country, the information is pretty shocking:

- 93% needed their chair serviced in the last year, and 68% had to wait 4 or more weeks for repair.
- Some had to wait more than 24 weeks. This causes serious limits to mobility, ability to work, go to doctors appointments, etc.
- One respondent said that "If non-disabled people had to wait weeks or months to get their vehicles worked on, there would be protests in the street!"

One of the main reasons for this is there just aren't enough repair providers through the large national wheelchair dealerships, which have experienced a wave of consolidation over the last decade.

According to those authorized repair companies, a large majority of these repairs are minor issues -- issues that if that authorized repair company can't address in a timely manner, the chair's owner might want to get addressed by another repair expert. In our survey, 68% of respondents to our survey felt that "a friend, family member or independent repair professional with the right information, access to parts, etc." could fix many or all of the problems that caused them to make a service request.

Manufacturers might argue that allowing the wheelchair user to access repair manuals, or software tools, could result in someone accidentally damaging their own chair.

I think it ought to be your choice what you do with the chair you own. It's your life, and waiting months to fix minor issues because the system is broken. Right to Repair provides options for people to make their own choices about what is best for them -- choices that are already being employed by wheelchair users in Colorado to improve their quality of life.

We thank Delegate Kaufman for bringing this legislation and we urge a favorable report.

USPIRGEF_Stranded_June2022.pdf

Uploaded by: Emily Scarr

Position: FAV



STRANDED

Repair Restrictions Immobilize Wheelchair Users

U.S. PIRG | Education
Fund

STRANDED

Repair Restrictions Immobilize Wheelchair Users



Wheelchair users in the United States have come to the front lines in the fight for the right to repair in recent months. What's inspiring their activism? A constrained marketplace that has wheelchair users waiting months for simple repairs.

Written by Paul Roberts for U.S. PIRG Education Fund; with contributions from Nathan Proctor, U.S. PIRG Education Fund; and Carolynn van Arsdale.

May 2022

Cover photo: muroPhotographer, Shutterstock.com. Cover Design, Jenne Turner, Public Interest GRFX

| ACKNOWLEDGEMENTS

The author Kyle Wiens, Co-Founder and CEO, iFixit.com; Maddy Dennis, Campaign Associate with U.S. PIRG Education Fund; and Gay Gordon-Byrne, Executive Director, Repair.org for their contributions.

The author bears any responsibility for factual errors.

© 2022 U.S. PIRG Education Fund. Some Rights Reserved. This work is licensed under a Creative Commons Attribution Non-Commercial No Derivatives 3.0 Unported License. To view the terms of this license, visit creativecommons.org/licenses/by-nc-nd/3.0.

U.S. PIRG Education Fund is an independent, non-partisan group that works for consumers and the public interest. Through research, public education and outreach, we serve as counterweights to the influence of powerful special interests that threaten Americans' health, safety or well-being. For more information, please visit www.uspirgedfund.org.

EXECUTIVE SUMMARY

When you rely on your powered wheelchair to get around, any delay in repair is not only a quality-of-life issue, but a matter of life and death. Yet a constrained market for wheelchair service and repair makes delays for repair of weeks or even months common.

This is Monopolies 101: when there is only one option for getting something done, quality and customer service go down while prices go up. One of the main goals of the Right to Repair campaign is to foster an open market for repair and service that offers real choice and price competition to consumers.¹

But today, a skewed market for wheelchair repairs often results in even simple, mechanical repairs taking weeks or months to complete. In this report, we'll assess the reasons that repair choice is constrained and investigate policy options for state and federal leaders such as so-called "right to repair" laws that provide wheelchair owners with access to the information, software and parts to repair their own equipment. We'll also review the results of a survey we conducted of 141 American wheelchair users that provides insights into the state of wheelchair repair, and whether wheelchair users believe that right to repair reforms would improve conditions.

Wheelchair Users: Suffering in Silence

National conversations about the need for a consumer right to repair in recent years have largely focused on anti-competitive restrictions on repair of agricultural equipment, automobiles and smartphones. However, we uncovered similar practices in the national market for wheelchair service and repair. There, Americans who rely on wheelchairs can be left stranded in a multi-billion-dollar market for Complex Rehabilitation Technology (CRT) like power wheelchairs—part of a \$50 billion Durable Medical Equipment (DME) industry² that is increasingly dominated by a handful of large, national suppliers.³

For wheelchair users in the United States, the rules and the marketplace are stacked against them—and against repair. Requirements forced on wheelchair users by private and public insurers—including publicly funded Medicare and Medicaid programs—put responsibility for repair and service in the hands of authorized CRT suppliers that, together with wheelchair manufacturers, severely restrict access to replacement parts, administrative software and the information needed to repair manual and power wheelchairs and keep them working. Wheelchair users are further hemmed in by consolidation in the marketplace for CRT in the last

decade. During this period a handful of large, national suppliers—many backed by private equity firms—have emerged and now dominate the CRT markets in many states, according to industry experts interviewed for this report.⁴

With few choices of suppliers and no easy way to fix their chairs themselves, wheelchair users complain that they endure months-long waits for even simple repairs. Delays in repair and faulty service have also been linked to injuries, hospitalizations and even death, according to interviews and a review of court cases⁵ filed against wheelchair manufacturers and suppliers.

Finally, with modern power wheelchairs increasingly run by sophisticated, Internet-connected software, wheelchair users find themselves in a similar position as agricultural equipment, smartphone and automobile owners: hemmed in by so-called “digital rights management” (DRM) features and software locks that block access to administrative features for wheelchair owners and independent repair shops. As in other sectors, DRM and software locks enable manufacturers to lock out owners and independent service technicians, creating de-facto monopolies for aftermarket service, parts and repair.

Wheelchair Service and Repair: A Broken System

Wheelchair users, advocates for the disabled and those representing CRT suppliers all agree on one thing: the market for wheelchair service and repair is deeply flawed and inefficient. That is, in part, a reflection of the U.S.’s complex and conflicted healthcare system.

Delays in service in repair have many causes. Suppliers point to cumbersome and bureaucratic procedures for obtaining approvals for repairs required by federal Medicare and state Medicaid programs,⁶ as well as low reimbursement rates from both private and public insurers that make service and repair a “loss leader” for CRT suppliers. Their customers and disabilities rights advocates often point to bottom line-focused business models at large providers that keep staffing for field service technicians and inventories for replacement parts low, exacerbating the delays created by the health care bureaucracy.⁷

Wanted: A Right to Repair Wheelchairs

Whatever the causes, the dire situation has spawned calls for change and drawn wheelchair users to the front lines of a national fight for the right to repair. In Colorado, for example, House Bill 22-1031,⁸ filed by State Representative Brianna Titone, would provide wheelchair owners and independent repair shops with the parts, embedded software, firmware, tools, or

documentation to allow them to conduct diagnostic, maintenance, or repair services on the powered wheelchair.

With access to functioning wheelchairs critical for disabled Americans' livelihoods, their health and their quality of life, regulations like Rep. Titone's are needed to clear the way for wheelchair users and independent repair providers to service and repair their chairs.

Survey Finds Long Waits for Repairs, Support for New Laws

Support for right to repair laws protecting wheelchair users was one of the clear takeaways from our survey of 141 manual and power wheelchair users. So too was evidence that long wait times of a month or more are the norm, and the biggest issue facing wheelchair users when it comes to service and repair.

For example, when we asked our survey respondents to estimate the average time it takes from initial request to completed repair, 62% of them (87 of 141) said the average repair took 4 or more weeks. And 40% of respondents (56 of 141) estimated it takes 7 or more weeks on average to get a repair completed.

And it's not that repairs are uncommon occurrences for wheelchair users. Just the opposite. Ninety-three percent of respondents indicated that they have required service in the last year, with 68% indicating they needed two or more repairs in the last year. A month or more of wait time, multiplied by multiple repairs a year adds up to a lot of downtime for wheelchair users. It is not a surprise, then, that 77% of respondents reported that "long wait for service and parts" was among the biggest challenges they have encountered getting wheelchairs serviced and repaired.

Wheelchair users we surveyed overwhelmingly supported legislation to address repair restrictions. For example, when we asked survey takers to indicate how they feel about a new Colorado law, which requires manufacturers of powered wheelchairs to make parts, documentation and service tools available to wheelchair owners and independent repair technicians, 83% responded by saying that the new law would "make life better for wheelchair owners by making it easier to get wheelchairs serviced and repaired." Just 4% indicated it

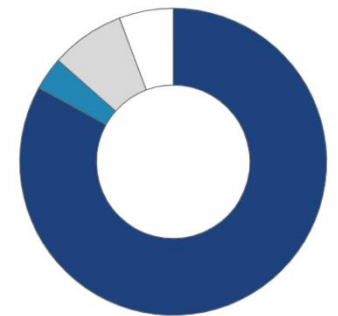
Impression of Colorado Right to Repair law:

Make life better - 83%

Make life worse - 3.5%

Make no difference - 7.8%

Other response - 5.7%



would make life worse, and another 8% said it would have no impact.

Similarly, 69.5% said the “strongly agreed” with the statement “As a wheelchair user, I would benefit from more choices for having my wheelchair serviced and repaired, including the option to repair it myself.”

This report outlines why wheelchair owners, like farmers, hospitals and smartphone owners, would benefit from a legal right to repair their equipment. Absent these and other reforms, wheelchair users will continue to face long wait times for repair that adversely affect their mobility and, with that, their physical and financial well-being. Right to Repair legislation that encompasses complex rehabilitation technology (CRT) devices like power wheelchairs would improve the market for wheelchair repair that would help ensure that disabled Americans receive prompt, high-quality service at an affordable price.

INTRODUCTION

Paralyzed from the waist down after he was struck by a pickup truck while walking on a sidewalk in his suburban Denver, Colorado neighborhood in 2012, Doug Howey relies on his power wheelchair for just about everything: commuting to and from work, grocery shopping and visiting friends and doctors. In the last two years, Howey said he logged 4,000 miles on his wheelchair. In contrast, a broken chair means he is resigned to his bed: unable to work or shop and at risk of developing pressure sores that can land him in the hospital.

So when a critical bearing failed on his two-year-old Permobil Corpus F5 motorized wheelchair in August, 2021, Howey contacted the local office of the complex rehabilitation technology (CRT) supplier that sold him the chair to have the problem fixed.⁹ What followed was an exercise in frustration that is all too familiar to wheelchair users across the country.

According to Howey and others,¹⁰ it took until October 26th—*82 days* from his first service call—for the repair needed to get his chair operating properly to be performed. And even that timeline was helped along by interventions by a local advocacy group, the Colorado Cross-Disability Coalition (CCDC), which Howey contacted on two occasions to cut quoted wait times from his CRT supplier from more than two months to one or two days. Without that, Howey said he could easily have waited more than six months for the broken bearing to be repaired.

Long Waits Common for Wheelchair Users

Ask around, and you'll discover that Howey's story is a familiar one to wheelchair users in the United States.

At a Colorado hearing on a broader Right to Repair bill hearing, which covered wheelchairs in addition to other devices, resident Ken Maestas, a paraplegic, testified to legislators about his frustration after calling for a repair to a broken armrest on his chair. Maestas said he was given a date 35 days later for an initial visit to simply assess the problem. It was more than two weeks after that before a second appointment to get the repair performed: 53 days in all, he reported.¹¹

In fact, between January and March of this year, CoPIRG and the Cross-Disability Colorado Coalition collected more than 10 pages of stories like Howey's from other Coloradans struggling to keep wheelchairs working for themselves or loved ones.¹² In many cases, the stories describe onerous waits and astronomical charges for even simple repairs to manual and power wheelchairs.

“Had a flat tire. new (sp) innertube was \$6 on Amazon. (National CRT supplier) Numotion wanted to replace both wheels at a cost of \$300 to Medicaid and 6-8 weeks to get them. Got the innertubes in 2 days but they would not install them,” read one submission.

“Numotion took 4 months and charged \$500 for a button that allows Bruce to power his wheelchair. Without it, he is stuck in bed. Got it overnight mailed from eBay for about \$20 (2020),” read another.

“It’s sad,” said Maestas, who is a legislative coordinator at CCDC and a NuMotion customer. “If you need to schedule a visit, they’ll look at the schedule to see when there’s a technician in your area. It might be a week or two before they send someone down. If I’m the only person in my area, they’ll make me wait,” Maestas said.¹³

Long delays aren’t a problem only for Coloradans. Arthur Torrey, a resident of Billerica, Massachusetts and a paraplegic, said that long waits for repair and service are common in the Bay State, as well.¹⁴ “Right now if this chair breaks, I’m stuck at home for six or eight weeks dealing with insurance and medical equipment dealers,” Torrey told a joint committee of the Massachusetts Legislature in 2019.¹⁵ Torrey, who uses a power wheelchair, said he is mechanically adept and would be happy to service his own equipment, but that current insurance rules make that difficult.

“The only reason that I call (CRT suppliers) at all is because MassHealth (Massachusetts Medicaid program) only pays for repairs and parts if I call the vendor and they come out and do the repair,” Torrey explained. “If you buy the part and service the chair yourself, MassHealth will not pay.”

Online forums for wheelchair users and the disabled also document widespread frustration on the part of wheelchair users. An October 2021 post at Wheelchairdriver.com, for example, lamented a three month wait for replacement tires for a wheelchair. “Even through (sp) the tires were for a wheelchair that is not supported by insurance, (national CRT supplier) Numotion had to submit the order through insurance to get a denial before they would order the tires,” the post from a user with the handle *swalker* reads.¹⁶

High Personal Cost to Repair Delays

Long waits for service and repair are common across industries. But wheelchair users point out that the price for delays in wheelchair repairs is especially high: measured in physical injuries, impaired mobility and lost productivity.

Julie Reiskin, the Executive Director of the Colorado Cross-Disability Coalition (CCDC) and a wheelchair user since 1990, said that for people like her, even small abnormalities such as a broken wheel, a depleted battery or a protruding bolt, can have disastrous consequences.¹⁷ Wheelchair users may be forced to use “loaner” wheelchairs that do not fit them properly or end up confined to their beds while their chair is out of commission. Ill-fitting hardware or long periods of immobility can cause wheelchair users to develop pressure sores or respiratory illnesses that can lead to hospitalization and even death.

Today, Reiskin said that the typical wheelchair user in her state faces long waits for service and few options, even if their medical condition demands prompt response. While her group has successfully intervened in cases like Howey’s to urge suppliers like Numotion to cut wait times, “the average person calling (the company) does not get a response,” she said. “You have to go up to the person running it, which isn’t sustainable,” Reiskin said.

Poor quality service and long waits are a theme in a number of lawsuits filed in more than a dozen states that name leading CRT suppliers like Numotion and National Seating and Mobility as defendants in the last decade. Many of those cases allege negligence and/or product liability and cite bodily harm and even death stemming from faulty or delayed repairs to motorized wheelchairs and other assistive equipment for which the firms were suppliers.¹⁸

A 2020 Arizona lawsuit filed by Roman Armando Gallegos is one such example. A partial quadriplegic, Gallegos’ suit stems from an accident in which a Permobil power wheelchair serviced by Numotion dislocated and fractured both of Gallegos’ tibias.¹⁹ Gallegos alleges a pattern of long delays and poor service. He and his family “begged for” service from Numotion for more than three years to get his chair working as intended, according to court documents. Numotion, the suit alleged, was “negligent in the evaluation, set-up, fitting, configuration, adjustment and/or programming of the subject wheelchair.” The case was settled out of court.

A 2019 lawsuit filed by Nevada resident Linda Mitchell raises similar charges. Mitchell, who has multiple sclerosis, alleges that a series of serious physical injuries including a broken femur, a broken clavicle and head trauma resulted from accidents and breakdowns of a Permobil power wheelchair sold to her and maintained by Numotion. The wheelchair “was not properly measured and fitted for the Plaintiff’s body and physical needs, is not the right wheelchair for the Plaintiff’s needs and the wheelchair continues to malfunction and fall apart,” the complaint reads. That case, also, was settled out of court.²⁰

Rules Prohibit Wheelchair Self Repair

Wheelchair users and disabilities advocates argue that long waits for service are a byproduct of a healthcare system that mostly ignores the importance of service and repair of complex rehabilitation technology.

Today, there are more than 3 million wheelchair users in the United States—a number that is expected to rise considerably as the Baby Boom generation ages.²¹ Spending on manual and power wheelchairs already accounts for about 1 percent of Medicare spending.²² Both CRT suppliers and disabilities rights advocates agree that the rules governing that spending are voluminous and arcane, hampering attempts by wheelchair users to keep their equipment in working order.

For example, a senior executive at CRT supplier National Seating and Mobility pointed out that many repairs for wheelchair parts that have broken are classified by Medicare, the federal health insurance program for seniors, as “replacements,” not repairs.²³ Depending on the payer (Medicare, Medicaid or a private insurer) that categorization may require the wheelchair user to obtain additional approvals, like a new prescription from a doctor. That, in turn, may require a face-to-face appointment with the physician, adding days or weeks of unnecessary time to the repair process. Other payers have added so-called “prior authorization” requirements for repairs, resulting in members having to wait as long as six weeks or more for a critical repair of a chair even when the chair has already been approved as medically necessary.

Such policies present wheelchair users and their families with difficult choices: work through insurers and wait weeks or months to see a repair completed or pay for parts and labor out of pocket and see the repair performed promptly.

With simple repairs, that is often an easy choice. Robin Bouldoc is a Colorado resident whose husband, Bruce Goguen, suffers from primary, progressive multiple sclerosis and requires a power wheelchair equipped with a respirator and a device that allows him to control the chair using head movements.²⁴

She recalled a recent incident in which an anti-tip wheel on the back of Bruce’s chair broke—a dangerous situation, given that the weight of the equipment on the back of Bruce’s chair makes it prone to tip back.

Bouldoc said that the couple was gearing up for a long wait as their CRT authorized repair provider, Numotion, went through its standard procedure. That would include days or weeks

waiting for the firm to send out a technician to assess the problem; days or weeks more waiting while Numotion sought and received approval for reimbursement from Medicare or Medicaid; and weeks more waiting for the company to order and receive the tip wheel part and schedule a follow up home visit with a technician to do the repair.

“Then my son walked in and looked at the wheel and was like ‘Mom, those are just skateboard wheels,’” Bouldoc recalled. She and Gougin jumped on Amazon.com and, for around \$20, had replacement wheels shipped to them in days. They even had a choice of colors. The couple replaced the tip wheels themselves. “If Numotion had done it, it would have taken 3 or 4 months and they would have charged Medicaid hundreds of dollars—for skateboard wheels,” Bouldoc said.

Torrey said that most wheelchair repairs are like this. “There’s nothing about manual wheelchairs or power wheelchairs that is that complex or difficult,” he said. Even if wheelchair users’ physical disabilities might make some repairs difficult to perform themselves, family members, friends or neighbors with a mechanical inclination could easily perform such repairs, he said.

Wheelchair technicians we interviewed agreed that most repairs to wheelchairs are straightforward and don’t require specialized skills or training, just a familiarity with mechanical devices.²⁵

Asked why they don’t simply ship parts directly to wheelchair users or allow the wheelchair owners to perform their own repairs, spokespeople for national CRT suppliers Numotion and National Seating and Mobility pointed to the requirements of insurers like Medicare and state Medicaid programs that prevent them from doing so.

“This is an industry-wide, payer-driven policy. We have to follow payer guidelines in order for the client to get the benefits of having health insurance and NSM to get reimbursed,” National Seating and Mobility wrote. “Using an approved (contacted) supplier (NSM) is part of the payer requirement. And, if a client has health insurance, by law we have to submit a claim for any equipment and services provided.”

Finally, low reimbursement rates from Medicare and Medicaid as well as expensive labor and inventory mean repair and service of manual and power wheelchairs are not profitable for CRT suppliers, according CRT suppliers and industry representatives. “Repair is a money loser,” said Don Clayback, the Executive Director at the National Coalition for Assistive and Rehab

Technology (NCART), a national association representing CRT providers and manufacturers.²⁶ “There are less and less companies doing it and more pressure on companies that are,” he said.

Like CRT suppliers, Clayback points to bureaucratic hurdles to repair, such as requirements for pre-approval by insurers, even for small repairs. He also notes state Medicaid policies often only reimburse CRT suppliers for the time a technician spent actually working on a CRT device, not for things like travel to and from customer sites, or time needed to diagnose problems.

The result, Clayback said, is a market for repair and service of wheelchairs that fails everyone. CRT providers find it impossible to make money on wheelchair repairs and are motivated to stop providing repair services. That results in a marketplace with even fewer choices and poorer quality choices for wheelchair owners. “If you think of other devices you use in the home—like a furnace or a refrigerator or a car—you have a business environment with a lot of competition,” Clayback said. “But when you look at the current environment for CRT, there is no incentive for competition,” he said.

Wheelchair Owners Denied Access to Administrative Features

But ill-conceived payer requirements aren’t the only contributor to the dire situation faced by wheelchair users. In a mirror of what’s going on in markets such as automotive and agricultural equipment, power wheelchair users are increasingly running up against manufacturer-imposed software locks and restrictions that give wheelchair manufacturers the power to determine who is allowed to service and configure power wheelchairs and what types of changes they are able to make.

Arthur Torrey, the Massachusetts-based wheelchair user and disabilities rights activist, said that late model power wheelchairs are mostly run by software, which controls everything from how the chair responds to joystick movements; to how it handles and drives; to the tilt and recline of the seat, leg lifters and so on.

Research conducted by iFixit found that power wheelchair manufacturers commonly restrict customers’ access to software features that are often needed to configure chairs to suit the specific needs of their owners. For example, a wheelchair user with a balky wheel or failing motor may need to adjust the power wheelchair’s speed damping setting, which is accomplished using the administrative software. Or, changes to chair configuration settings may be needed to accommodate an aftermarket replacement part on the chair. A wheelchair user who installs a different tire on their chair for navigating inclement weather may want to access administrative software features to adjust the chair’s grip parameters.

However, access to such features is often restricted by the chair manufacturer, with differing levels of access to manufacturers, dealers and owners. For example, the Quest Pride Quantum Power Wheelchair displays warning messages to users that they should not “modify your power chair in any way not authorized by Pride”²⁷ and that a “Quantum Rehab Provider or a qualified technician must perform the initial setup of this power chair and must perform all of the procedures in this manual.”²⁸

Wheelchair manufacturers can also lock access to administrative features and configuration settings using passwords and hardware security keys (aka “dongles” or “controllers”), iFixit found. For example, wheelchairs powered by Dynamic DX control systems require passwords and hardware security keys to access critical configuration parameters. Without a key, the diagnostic tool (aka “Wizard”) can display parameter values and diagnostic messages, but nothing can be edited or written to a power wheelchair’s controller. According to the documentation, “it is up to the power chair manufacturer to determine whether they will allow distribution of Wizards to dealers.”²⁹

In comments submitted to legislators in Colorado, at least one wheelchair user related that they were told by their CRT supplier that (wheelchair maker) “Permobil will not sell controllers to clients, only to dealers and will void a warranty if they found out a customer had a controller.”³⁰ In other cases, “dealer level” controllers and USB dongles can be purchased, but only for hundreds of dollars, said Torrey.

Torrey said the inability of wheelchair users to configure the software on their own chairs can be a big source of frustration when the settings on the chair don’t suit the needs of the chair’s owner. For example, Torrey said that chairs might be configured to add a delay between the joystick’s movement and the chair responding, which is “like driving with bungee cords.” Or manufacturers and suppliers might configure “super conservative and really limited” settings for the chair’s maximum speed that don’t suit the abilities or desires of the chair’s owner. Software locks and restrictions keep the chair owner from overriding those settings and configuring their chair to suit their needs.

“We are seeing more software locks blocking repair or calibration in a wide range of products. This is particularly an issue for powered wheelchairs and other assistive devices like hearing aids,” said Kyle Wiens, co-founder and CEO of iFixit, who has led multiple efforts to expand legal protections for bypassing locks to make repairs or adjustments. “Imagine if you had to pay the dealership to change your tires or adjust the recline of the seat in your car. People should be allowed to repair or calibrate their own products.”

ANALYSIS

Despite History of Disability Protections, Repair Remains a Gap

Over the past five decades, elected bodies in the United States have enacted comprehensive legal protections for people with disabilities.³¹ Federal laws like the groundbreaking Americans with Disabilities Act of 1990 (ADA),³² for example, prohibit discrimination against individuals with disabilities in all areas of public life and includes specific provisions for ensuring equal access to Americans with disabilities in employment, public accommodations, government services and telecommunications.

More than 30 years after the ADA was signed into law, however, many of the more than 3 million Americans who rely on manual or power wheelchairs³³ contend with new and imposing barriers that threaten both their mobility and their health. Among them: a dysfunctional system for wheelchair service and repair that leaves wheelchair users stranded for weeks or months with non-functioning equipment, putting their health, financial security and independence at risk.

Repair Restrictions Poses Issues Across Many Devices

The challenges encountered by wheelchair and power wheelchair users are similar to those faced by owners of other appliance and electronics products throughout the United States. As with smartphones, connected home appliances or medical devices, manual and power wheelchair owners must navigate a severely constrained market for service and repair that concentrates repair access in the hands of “authorized” service providers while locking out wheelchair owners and independent repair providers in ways that impede competition, degrade quality of service and increase costs.

As with other products that restrict repair—be they Apple iPhones³⁴, John Deere farm equipment, or Intuitive Surgical’s “da Vinci” robot³⁵—a lack of choice in the market for service and repair leaves owners at the mercy of manufacturers and their authorized service providers. The consequences of that are easy to apprehend in the testimonials provided by manual and power wheelchair owners.

For mechanically inclined wheelchair users like Arthur Torrey, the contrast between the heavily constrained market for service and repair of his wheelchairs and the wide-open market for service and repairs made possible by a Massachusetts automotive right to repair law is striking. “I have a van sitting in my driveway that I can buy performance parts and chips for and drive

120 miles per hour. Why can't I do that for a wheelchair that I can drive 4 miles per hour," he wondered.

Colorado Steps Up with Wheelchair Right to Repair Law

Faced with a consolidated and lopsided market for service and repair, wheelchair users and advocates for the disabled are looking to new right to repair laws and changes to federal and state policies for relief.

The logic is simple: if disabled Americans can obtain the wheelchair parts, information and software needed to service and repair their own equipment, it would provide quick relief for those who rely on assistive technologies like power wheelchairs. Shorter waits will improve mobility and health outcomes in the process. "A right to repair would make things better," said Buldoc, the Colorado resident. "Why can't the local bicycle shop change the flat tire on our wheelchair?"

Lawmakers in one state have taken notice. Following the defeat of a right to repair bill she introduced in 2021, Colorado State Rep Brianna Titone introduced a new bill in the 2022 session that focuses just on wheelchair repair. HB 22-1031, the Consumer Right To Repair Powered Wheelchairs Act, would require that powered wheelchair manufacturers to provide "parts, embedded software, firmware, tools, or documentation, such as diagnostic, maintenance, or repair manuals, diagrams, or similar information, to independent repair providers and owners of the manufacturer's powered wheelchairs."³⁶

The bill, and others like it, is modeled on an automotive right to repair bill passed in Massachusetts in 2012 and recently expanded. Titone said she first conceived of the wheelchair focused bill after hearing her colleagues express support for a narrowly tailored law at a 2021 hearing about a broader right to repair bill.

On its path through the Colorado legislature, the Consumer Right To Repair Powered Wheelchairs Act faced many of the same arguments from wheelchair manufacturers and CRT suppliers that the automotive industry used to argue against the Massachusetts auto right to repair law, and that other industries have used to fight broader right to repair bills for personal electronics or agricultural equipment.

For example, Don Clayback of NCRT said that his group opposes the Colorado law because of concerns about manufacturer liability and warranty coverage.³⁷ But courts have been clear in

the U.S. that authorized repair providers or manufacturers are not liable for damages caused by a faulty repair they did not perform.

CRT suppliers and industry representatives have also paid lip service to a “right to repair,” while seeking to erect barriers to owner- and independent repair in the name of ensuring “quality.” For example: they would require manufacturer certification of anyone undertaking wheelchair repairs. Gay Gordon-Byrne, executive director of Repair.org, which represents hundreds of independent repair businesses and other pro-repair groups, warns that certification programs often just enable tighter manufacturer-control of the repair process without real consumer benefits.

“Most of our repair business members are open to proving their proficiency, but many of the current certification programs are mainly used by the manufacturers to restrict repair access and do nothing to set quality standards,” said Gordon-Byrne. “We should be careful not to set up additional rent-seeking programs in the guise of ‘certifications,’ which provide little relevant instruction but serve as an excuse to deny professional technicians access to the tools, parts and information they need to do their jobs.”³⁸

Such arguments have stalled or killed right to repair laws in scores of states in the last five years. However, as of this writing, they appear to have fallen flat in Colorado. An amended version of HB 22-1031 has passed in both the Colorado House of Representatives and the Colorado Senate and is on its way to Governor Jared Polis to be signed into law.

Beyond a Right to Repair, More Changes Needed

A “right to repair wheelchairs,” as has been proposed in Colorado, would address many of the above-mentioned impediments to repairing wheelchairs, power wheelchairs and other complex rehab technologies.

If passed, the law would give ordinary Coloradans easy and affordable access to the information, parts and software needed to diagnose, service, repair and configure their own equipment. That would shorten down time and, as a consequence, increase wheelchair users’ mobility and quality of life. The presence of independent wheelchair repair providers, and the possibility of owner self-repair would increase service options for wheelchair users and, by doing so, decrease wait times while increasing competition over price and quality of service.

But a right to repair wheelchairs must also be accompanied by broader changes in the healthcare market that address the need for repair and servicing of CRT and other assistive

technology. Those include changes to federal Medicare, state Medicaid and private insurance regulations that are needed to encourage a competitive market for repair and service.

Clayback of NCRT, for example, said policy changes at the federal level that eliminate or minimize prior authorization and documentation requirements for repairs would greatly reduce the wait times experienced by wheelchair users. Today, such requirements are intended to stop fraud and abuse, but Clayback said there are less burdensome ways to protect taxpayers' interests—for example by monitoring patterns in billing practices for signs of fraud and abuse. "If you see utilization going up, audit us. But don't penalize the person who needs a new battery and make them wait," he said.

NCRT also backs changes to Medicare and state Medicaid policies that pertain to reimbursement for repair services provided by authorized or independent repair pros. Public insurers should avoid bottom-basement reimbursement rates that prevent repair providers from recouping costs. They should also recognize and reimburse repair providers for the full range of activities involved in repair calls—including travel to and from the customer and time assessing and diagnosing problems.

Finally, changes to coverage that would make it easier for wheelchair owners to purchase a backup wheelchair would also increase mobility and reduce the likelihood of ill-fitting "loaner" chairs that can lead to accidents or injury, he said.

Our Survey Reinforces How Commonly Restrictions Impact Users

The results of our survey of 141 individuals who rely on wheelchairs underscores the importance of the Colorado wheelchair repair reforms, and the need for similar actions in other states. Responses include:

For health insurance, I use:		
Private insurance only	22	16%
Public insurance (e.g. Medicare/Medicaid) only	64	45%
A mixture of private insurance and public insurance	45	32%
I do not carry health insurance.	2	1%
VA (Veterans Affairs)	4	3%
Other response	4	3%

I would characterize my service provider as:

A locally owned "mom and pop" wheelchair and medical equipment shop with 3 or fewer locations	29	21%
Part of a regional chain of wheelchair and medical equipment shops	21	15%
Part of a large, national provider of wheelchairs and medical equipment (e.g. NuMotion, National Seating, etc.)	91	65%

Considering all your requests for service or repair with your current provider, the average time that expired between your initial request for service and when the repair was completed was:

Less than a week	16	11%
1 to 3 weeks	31	22%
4 to 6 weeks	31	22%
7 to 10 weeks	21	15%
11 to 16 weeks	16	11%
16 to 24 weeks	8	6%
More than 24 weeks	8	6%
Other Responses, including:		
Never / has not yet responded	3	2%
Always different	1	1%
Could be longer	1	1%
N/A, I do it myself	3	2%
"When I can get the parts. Sometimes I have to use parts meant for other things like a curcuit breaker for a boat. "	1	1%
N/A, I don't have a supplier	1	1%
4 or more weeks	87	62%

Considering the problems or issues that prompted you to make a service request, what percentage of those do you feel could be performed by a friend, family member or independent repair professional with the right information, access to parts, etc.?

Not many (fewer than 10%)	21	15%
Some (around 25%)	23	16%
Many (up to 50%)	34	24%
Most (more than 50%)	35	25%
All (100%)	26	18%
n/a	1	1%
Fix everything on my own, things I couldn't fix had a machinist do for me	1	1%
Many to all	96	68%

The biggest challenge(s) I have encountered getting my wheelchair serviced and repaired are: (pick no more than three)

Long wait for service and repair parts	109	77%
Poor quality repair/service	35	25%
Lack of choice in service/repair providers	72	51%
Repair technician doesn't understand my unique needs	29	21%
Cost of service/repair	38	27%
Other responses	30	21%
Mentioned insurance or billing process / too many steps	9	6%

A pending law in Colorado would create a legal right to repair wheelchairs and provide wheelchair owners and independent repair shops with access to schematics, diagnostic tools, parts and other information needed to make repairs. I feel this law, if passed, would:

Make life better	117	83%
Make life worse	5	4%
Make no difference	11	8%
Other	8	6%

Rate your response to the following statement: "As a wheelchair user, I would benefit from more choices for having my wheelchair serviced and repaired, including the option to repair it myself."

1 - Strongly disagree	3	2%
2	1	1%
3	14	16%
4	25	18%
5 - Strongly agree	98	70%
AVERAGE		4.52

CONCLUSION

Not Bits and Bytes, But Life and Limb

Discussions about the need for a right to repair often center on issues that can seem abstract. "Who gets to replace the broken screen on your smartphone?" "Can you service your own refrigerator or tractor, or are you compelled to pay an authorized repair provider to do the work?" But stories about the travails of manual and power wheelchair users make clear that the right to repair is about more than bits and bytes. It is a matter of life and limb.

Today, there are more than 3 million wheelchair users in the United States. The testimony of countless wheelchair users and disabilities rights activists make clear that wheelchair service and repair is a broken marketplace in which wheelchair owners lack access to the information, replacement parts and software to service the equipment they rely on to commute to jobs, buy groceries and attend to their families and loved ones. Ensuring that these individuals have access to functioning wheelchairs that suit their needs, and their physiology is critical to preserving their physical health and wellbeing.

Wheelchairs: Ripe for Repair

Our research shows that the wheelchair repair and service market is ripe for a right to repair. Wheelchair users and disabilities rights activists have documented a pattern of long delays for wheelchair service and repair that result both from a cumbersome healthcare bureaucracy and a constrained market for repair services that healthcare “payer” policies help prop up. Our survey of 141 manual and power wheelchair users overwhelmingly supports those claims.

In the United States today, wheelchair users, denied access to the information, parts and tools to perform repairs themselves, are beholden to a small number of authorized repair providers to do the work. Those providers, in return, face bureaucratic hurdles to approving repairs. The result, as is so often the case, is long waits, poor quality service and high prices.

A right to repair wheelchairs would address many of the concerns raised by wheelchair users and disabilities rights advocates—especially in combination with changes to streamline the billing process. Laws like HB 22-1031 in Colorado will end the practice of wheelchair manufacturers and authorized repair providers restricting access to service and repair manuals, replacement parts and diagnostic software and tools. In so doing, it would liberate a constrained market for wheelchair service and repair, allowing individual owners as well as independent repair providers to assist wheelchair users: speeding repairs and providing competition to lower their cost.

Make it Easier to Pay for Wheelchair Repairs

What is clear from our research is that passing a right to repair wheelchairs is a critical piece of a much larger project. At the very least, a right to repair wheelchairs will help wheelchair owners, repair technicians and small businesses to undertake repairs, liberating them from a burdensome and inefficient repair and service market.

However, more changes are needed even with a right to repair wheelchairs. Policies at the federal and state level, as well as those adopted by private insurers, exacerbate delays in service and repair. Low reimbursement rates and cumbersome pre-approval processes make repair and service a loss leader, even for authorized repair providers. Federal and state rules also enshrine authorized repair over independent- or owner-repair. That cuts off a vital source of revenue to market players whose participation would shorten wait times and provide more price competition for payers.

Should a right to repair wheelchairs become law, these same policies will hinder the participation of small businesses and independent repair, essentially locking in the status quo for wheelchair owners who don't wish to undertake repair themselves. That's why reforms to Medicare and state Medicaid policies are urgently needed that reflect an understanding of the repair and service market, and with an eye to encouraging prompt, high quality service and repair of equipment in the field.

METHODOLOGY

This report was based on phone, video and email interviews with all relevant stakeholders conducted between June, 2021 and April, 2022. That includes authorized wheelchair technicians, CRT industry professionals, analysts and leaders, representatives from Numotion and National Seating and Mobility, wheelchair users and disability rights advocates, representatives for the independent repair industry, right to repair advocates, the Centers for Medicare and Medicaid Services and more.

Our survey was distributed by a number of wheelchair user community organizations, including the North American Spinal Cord Injury Consortium; Placerville Mobility Support Group; the Illinois, Oregon, Western New York, Philadelphia and Virginia chapters of the United Spinal Association; and the Colorado Cross Disability Coalition. We focused on analysis on only the U.S. residents who took the survey (of which there were 141).

SOURCES

- ¹ ["It's Time For a Common-Sense Perspective,"](#) Repair.org. Accessed April 2022.
- ² Polaris Research, ["U.S. Durable Medical Equipment Market Share, Size, Trends, Industry Analysis Report, By Product \(Personal Mobility Devices, Bathroom Safety Devices & Medical Furniture, Monitoring & Therapeutic Devices\),"](#) July 2020.
- ³ Interview: Brendan Schroeder, Senior Analyst, Provident Healthcare Partners, March 2, 2022
- ⁴ Interview: Pat Clifford, Managing Director, Braff Group, March 10, 2022, Interview: Brendan Schroeder, Senior Analyst, Provident Healthcare Partners, March 2, 2022
- ⁵ Spreadsheet: [Numotion lawsuits from PACER](#)
- ⁶ [Statement: National Seating and Mobility](#) | [Statement: Numotion](#)
- ⁷ Interview: Chris DeHaven (former Numotion tech) June 20, 2021 | Interview: Mark McDowell (former Numotion tech) July 20, 2021
- ⁸ ["HB22-1031: Consumer Right To Repair Powered Wheelchairs,"](#) Colorado State Assembly, 2022 Session. Accessed April 2022.
- ⁹ [Video Statement: Numotion is No Motion for people with disabilities](#)
- ¹⁰ Email: Doug Howey, October 21, 2021
- ¹¹ Interview: Ken Maestas, June 10, 2021
- ¹² Colorado Cross-Disability Coalition and CoPIRG, ["Stories from Coloradans Regarding Problems with Fixing Wheelchairs and DME,"](#) March 22, 2022.
- ¹³ Interview: Ken Maestas, June 10, 2021
- ¹⁴ Interview: Arthur Torrey, October 29, 2021
- ¹⁵ <https://youtu.be/atdk1uS04D0>
- ¹⁶ Wheelchairdriver.com, Accessed February 2022.
<https://www.wheelchairdriver.com/board/viewtopic.php?f=2&t=10905&p=179514&hilit=Numotion#p179514>
- ¹⁷ Interview: Julie Reiskin CCDC June 8, 2021
- ¹⁸ Spriggs v. United Seating and Mobility (Numotion) and Sunrise Medical, filed Jan. 2015.
- ¹⁹ Gallegos v. United Seating and Mobility (Numotion), Permobil et al, filed July 2020.
- ²⁰ Mitchell v. United Seating and Mobility (Numotion), Permobil et al, filed August 2019.
- ²¹ Alicia M. Koontz, Dan Ding, Yih-Kuen Jan, Sonja de Groot and Andrew Hansen, ["Wheeled Mobility,"](#) PubMed, April 2015.
- ²² Rory A. Cooper, Rosemarie Cooper and Michael L. Boninger, ["Trends and Issues in Wheelchair Technologies,"](#) The Official Journal of RESNA, Oct. 2010.
- ²³ [Statement: National Seating and Mobility](#)
- ²⁴ Interview: Bruce and Robin Bouldoc, June 10, 2021
- ²⁵ E.G. Interview: Chris DeHaven (former Numotion tech) June 20, 2021; Interview: Mark McDowell (former Numotion tech) July 20, 2021.
- ²⁶ Interview with Don Clayback, March 23, 2022
- ²⁷ [Owner's Manual, Pride Jazzy 614,](#) accessed April 2022. (Page 9)
- ²⁸ [Owner's Manual, Quantum Q6 Series powered wheelchair,](#) accessed April 2022.
- ²⁹ [Dynamic DX User Manual,](#) accessed April 2022. (Page 115)

³⁰ Colorado Cross-Disability Coalition and CoPIRG, “Stories from Coloradans Regarding Problems with Fixing Wheelchairs and DME,” March 22, 2022. (Page 5)

³¹ “A Guide to Disability Rights Laws,” Civil Rights Division of the U.S. Department of Justice. Accessed April 2022.

³² “An Overview of the Americans With Disabilities Act,” ADA National Network. Accessed April 2022.

³³ Matthew W. Brault, “Americans With Disabilities: 2010,” U.S. Census Bureau, July 2012. Page 8.

³⁴ “Apple under fire for allegations of controversial business practices,” CBC News: The National, Oct. 8 2018.

³⁵ Bob Herman, “Hospitals are taking on a surgical robot ‘monopoly.’” Axios, July 13, 2021.

³⁶ “HB22-1031, Consumer Right To Repair Powered Wheelchairs” Colorado General Assembly, Accessed April 2022.

³⁷ Interview with Don Clayback, March 23, 2022

³⁸ Email exchange with Gay-Gordon Byrne, April 2022.

tetimony2025hb31ltr.pdf

Uploaded by: Franz Schneiderman

Position: FAV



Auto Consumer Alliance
13900 Laurel Lakes Avenue, Suite 100
Laurel, MD 20707

Testimony to the House Economic Matters Committee
HB 31– Consumer Protection– Right to Repair – Powered Wheelchairs
Position: Favorable

The Honorable C.T. Wilson
House Economic Matters Committee
251 Lowe House Office Building
Annapolis, MD 21401
cc: Members, House Economic Matters Committee

Jan. 21, 2025

Honorable Chair Wilson and Members of the Committee:

I'm a consumer advocate and Executive Director of Consumer Auto, a nonprofit group that works to secure safety, transparency, and fair treatment for Maryland drivers and consumers.

We support **HB 31** because it should help many consumers in the disability community get greater choice and faster and less costly repairs on the wheelchairs they rely on for mobility and independence. At the same time, it will boost local repair shops and entrepreneurs by helping them get access to information they need to serve the repair needs of those customers.

Modern wheelchairs often are highly sophisticated and offer great features. But they're also rather fragile. One study cited by Harvard Health Publishing found that 64% of wheelchair users with spinal cord injuries reported needing at least one repair in the last six months.¹ And users are often left stranded, with very limited mobility and at risk of further injury, for weeks or months as they seek repairs. A May 2022 study from U.S. PIRG found that "a skewed market for wheelchair repairs often results in even simple, mechanical repairs taking weeks or months to complete." Their survey found that 62% of wheelchair users said the average repair took 4 weeks or more; 40% of respondents estimated it took 7 weeks or more.²

The reasons wheelchair repairs often take so long can be complex and include cumbersome reimbursement rules from Medicare and Medicaid. But among the key issues is that the wheelchair market is dominated by two huge suppliers that seek to control costs by limiting technicians and repair options.³ As Harvard Health puts it, "By reducing technician hours and parts inventories, restricting consumers' access to parts and software passcodes, requiring pre-approvals from insurers for repairs, and other practices, these companies virtually ensure delayed repairs."⁴

¹ <https://www.health.harvard.edu/blog/millions-rely-on-wheelchairs-for-mobility-but-repair-delays-are-hurting-users-202207212785>

² https://publicinterestnetwork.org/wp-content/uploads/2022/05/USPIRGEF_Stranded_June2022.pdf, p. 4.

³ https://www.usnews.com/news/health-news/articles/2022-05-31/despite-a-first-ever-right-to-repair-law-theres-no-easy-fix-for-wheelchair-users#google_vignette

⁴ <https://www.health.harvard.edu/blog/millions-rely-on-wheelchairs-for-mobility-but-repair-delays-are-hurting-users-202207212785>



Auto Consumer Alliance
13900 Laurel Lakes Avenue, Suite 100
Laurel, MD 20707

And indeed, as wheelchairs have grown more technically sophisticated, those manufacturers have erected more technical barriers to customers making their own repairs. Some chairs now require a software passcode or physical key to make repairs. The PIRG study found that “power wheelchair users are increasingly running up against manufacturer-imposed software locks and restrictions that give wheelchair manufacturers the power to determine who is allowed to service and configure power wheelchairs.”⁵

HB 31 would help break the manufacturers’ control of information and access to repairs by mandating that manufacturers make relevant repair and software information available both to wheelchair owners and independent repair shops. Section 14-5002 (A) and (B) of the bill mandate that they make available, on fair and reasonable terms, “Any documentation, parts, embedded software, firmware or tools” needed to use the equipment or open any electronic locks or security functions on the device. Failing to do so would constitute an Unfair and Deceptive Practice under Maryland Consumer Protection Act.

This “right to repair” approach will dramatically democratize information wheelchair users and independent repair shops need. It promises to greatly expand the repair options available and speed up the repair of devices critical to the lives of many thousands of Marylanders.

In 2022, Colorado became the first state to pass this kind of “right to repair” law for wheelchair users. While the law is still relatively new, it has been successful enough that Colorado went on to pass right to repair laws covering agricultural equipment in 2023 and many consumer electronic devices in 2024.⁶

Five states now have right to repair rules that cover wheelchairs. It’s time for Maryland to offer the same kind of access to information to our wheelchair users and independent repair shops.

We support HB 31 and ask you to give it a FAVORABLE report.

Sincerely,

Franz Schneiderman
Consumer Auto

⁵ https://publicinterestnetwork.org/wp-content/uploads/2022/05/USPIRGEF_Stranded_June2022.pdf

⁶ <https://kdvr.com/news/politics/colorado-politics-news/apple-samsung-must-let-customers-repair-their-own-phones-under-new-colorado-law/>

HB31.DDCoalition.FAV.pdf

Uploaded by: Rachel London

Position: FAV



MARYLAND DEVELOPMENTAL DISABILITIES COALITION

Dedicated to the rights and quality of life for people with developmental disabilities in Maryland

House Economic Matters Committee

January 21, 2025

HB 31: Consumer Protection – Right to Repair – Powered Wheelchairs Position: Support

The Maryland Developmental Disabilities Coalition (DD Coalition) is comprised of five statewide organizations that are committed to improving the opportunities and outcomes for people with intellectual and developmental disabilities (IDD) and their families. As such, the DD Coalition supports HB 31.

WHAT does this legislation do?

- Requires powered wheelchair manufacturers to provide the things needed – from documentation to software and tools – to repair a powered wheelchair to the owner or an independent repair provider.
- Adds a provision for powered wheelchair repairs to Maryland’s Commercial Law on unfair trade practices.

WHY is this legislation important?

- **It ensures people have uninterrupted access to their primary means of mobility.** Powered wheelchair users often face difficult requirements imposed by manufacturers and long waits when something goes wrong with their wheelchair.
- **It supports small businesses, and economic fairness and growth.** Wheelchair owners *and* independent repair shops will have access to the things they need to repair powered wheelchairs.
- **Brings Maryland in line with other states that prioritize the rights of wheelchair users.** The right to repair has passed in 6 other states – California, Colorado, Massachusetts, Maine, Minnesota, and New York.

Wheelchairs are not just devices, they are extensions of the user. They provide mobility **and** independence. If a person’s wheelchair malfunctions (or is not working), it limits their ability to move around, and do the things we all want and need to do on a daily basis. HB 31, like other “right to repair” laws empowers people with disabilities to be able fix powered wheelchairs without enduring long waits or facing limitations imposed by big corporations. **Most importantly, it removes repair barriers that create significant delays that are harmful to people who rely on power wheelchairs for mobility and independence.** HB 31 is another step toward greater independence and autonomy for people with disabilities.

Contact: Rachel London, Executive Director, Maryland Developmental Disabilities Council, rlondon@md-council.org



8601 Robert Fulton Dr
Suite 140
Columbia, MD 21046



1500 Union Avenue
Suite 2000
Baltimore, MD 21211



8835 Columbia 100 Pky
Suite P
Columbia, MD 21044



Maryland Developmental
Disabilities Council

217 E Redwood Street
Suite 1300
Baltimore, MD 21202



7000 Tudsbury Road
Windsor Mill, MD 21244

HB 31.DD Council.Support.pdf

Uploaded by: Stephanie Dolamore

Position: FAV



Maryland Developmental Disabilities Council

CREATING CHANGE • IMPROVING LIVES

House Economic Matters Committee

HB 31: Consumer Protection - Right to Repair - Powered Wheelchairs

January 21, 2025

Position: Support

The Maryland Developmental Disabilities Council (Council) creates change to make it possible for people with developmental disabilities to live the lives they want with the support they need. The Council is led by people with disabilities and their families, and it is from that perspective, that we support HB 31.

Wheelchairs, especially powered ones, are more than just devices. They are extensions of the user. They provide mobility, independence, and freedom. If a person's wheelchair malfunctions (or is not working), it hinders the person's daily life, limits their ability to move around, and do the things we all want and need to do on a daily basis. HB 31, like other "right to repair" laws empowers people with disabilities to be able fix powered wheelchairs without enduring long waits or facing limitations imposed by big corporations. **Most importantly, it ensures people have uninterrupted access to their primary means of mobility.**

WHAT does this legislation do?

- Requires powered wheelchair manufacturers to provide the things needed (e.g., documentation, parts, embedded software, firmware, and/or tools) to repair a powered wheelchair to the owner or an independent repair provider on fair and reasonable terms and costs.
- Adds a provision for powered wheelchair repairs to Maryland's Commercial Law on unfair trade practices.

WHY is this legislation important?

- **It ensures people have uninterrupted access to their primary means of mobility.** Powered wheelchair users often face difficult requirements imposed by manufacturers and long waits when something goes wrong with their wheelchair. Requiring manufacturers to provide the resources need – from documentation to parts and software – to owners and independent repair shops, increase independence by decreasing long wait times and difficult requirements.
- **It supports economic fairness and growth.** By giving owners *and* independent repair shops access to the things they needs to repair powered wheelchairs, this bill supports small business.
- **Brings Maryland in line with other states that prioritize the rights of wheelchair users.** The right to repair has passed in 6 other states – California, Colorado, Massachusetts, Maine, Minnesota, and New York.

HB 31 is another step toward greater independence and autonomy for people with disabilities who use powered wheelchair. For these reasons, the Council supports HB 31.

Contact: Rachel London, Executive Director, RLondon@md-council.org

217 E. Redwood Street, Suite 1300 • Baltimore, MD 21202 • 410.767.3670 • md-council.org

Dee Sapp, *Chairperson* • Rachel London, Esq., *Executive Director*

HB 31 - Right to Repair Powered Wheelchairs - CPD

Uploaded by: Steven M. Sakamoto-Wengel

Position: FAV



CAROLYN A. QUATTROCKI
Chief Deputy Attorney General

LEONARD J. HOWIE III
Deputy Attorney General

CARRIE J. WILLIAMS
Deputy Attorney General

ZENITA WICKHAM HURLEY
Chief, Equity, Policy, and Engagement

**STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL
CONSUMER PROTECTION DIVISION**

ANTHONY G. BROWN
Attorney General

WILLIAM D. GRUHN
Division Chief

PETER V. BERNIS
General Counsel

CHRISTIAN E. BARRERA
Chief Operating Officer

STEVEN M. SAKAMOTO-WENGEL
*Consumer Protection Counsel for
Regulation, Legislation and Policy*

January 21, 2025

TO: The Honorable C.T. Wilson, Chair
Economic Matters Committee

FROM: Steven M. Sakamoto-Wengel
Consumer Protection Counsel for Regulation, Legislation and Policy

RE: House Bill 31 – Consumer Protection – Right to Repair – Powered
Wheelchairs - SUPPORT

The Consumer Protection Division of the Office of the Attorney General submits the following written testimony in support of House Bill 31, sponsored by Delegate Kaufman, which would require manufacturers of powered wheelchairs to make the tools and instructions necessary to repair the wheelchairs available to independent repair facilities.

House Bill 31 is based on a Colorado law and is intended to make it easier, faster and less expensive for users of powered wheelchairs to repair their wheelchairs when they're broken. Powered wheelchairs are essential for many to be able to mobilize and function, but many users have reported having to wait months, or even years, to have their wheelchairs repaired by manufacturer-authorized repair facilities. House Bill 31 would provide more options to wheelchair users by requiring manufacturers to make available to independent repair facilities and the owners of wheelchairs, upon fair and reasonable terms and costs, documentation, parts, embedded software, firmware, or tools necessary to repair the wheelchair. The bill would not require manufacturers to divulge trade secrets, except to the extent that the trade secrets are integral to the repair, and provides that the manufacturers are not liable for faulty repairs performed by an independent repair facility.

The Consumer Protection Division has been a long-time supporter of right-to-repair laws that make it easier and less expensive for consumers to fix their broken devices. House Bill 31 would help to ensure that powered wheelchair users are not deprived of their mobility due to the inability to get prompt repairs. Accordingly, the Division requests that the Economic Matters Committee give HB 31 a favorable report.

2025 Testimony - HB31.docx.pdf

Uploaded by: Zoe Gallagher

Position: FAV



Testimony to the House Economic Matters Committee
HB31 Consumer Protection – Right to Repair – Powered Wheelchairs
Position: Favorable

January 17, 2025

The Honorable C.T. Wilson, Chair
House Economic Matters Committee
Room 231, House Office Building
Annapolis, Maryland 21401
cc: Members, House Economic Matters

Honorable Chair Wilson and members of the committee:

I am writing today on behalf of Economic Action to urge your favorable report on HB31, which would require manufacturers of electronic wheelchairs to provide independent repair providers and wheelchair owners with access to necessary documentation, parts, embedded software, firmware, and tools for repairs, under fair and reasonable terms and costs.

Economic Action, formerly the Maryland Consumer Rights Coalition) is a statewide coalition of individuals and organizations that advances economic rights and equity for Maryland families through research, education, direct service, and advocacy. Our 12,500 supporters include consumer advocates, practitioners, and low-income and working families throughout Maryland.

Economic Action supports this bill because it ensures that individuals who rely on powered wheelchairs have the ability to access necessary repair resources without being forced to go through costly and limited manufacturer-authorized channels. A powered wheelchair can cost as much as \$50,000, and due to the limited suppliers of parts, repairs are often too expensive to be fully covered by insurance¹. By allowing independent repair providers and owners to perform repairs, the bill promotes greater choice, affordability, and convenience, while helping to prevent monopolistic practices that could drive up costs of repair.

Using a powered wheelchair is not a choice for many facing disabilities. It is crucial that, as a governing body, Maryland takes whatever steps possible to ensure that the use and maintenance of such wheelchairs is affordable for all.

For these reasons, we urge a favorable report on HB31.

Thank you for your time,

Zoe Gallagher, Policy Associate

¹<https://nonprofitquarterly.org/why-do-wheelchair-repairs-take-so-long/#:~:text=Some%20of%20the%20parts%2C%20especially,insurance%20is%20willing%20to%20pay.>

2209 Maryland Ave · Baltimore, MD · 21218 · 410-220-0494

info@econaction.org · www.econaction.org

Tax ID 52-2266235

Economic Action Maryland Fund is a 501(c)(3) nonprofit organization and your contributions are tax deductible to the extent allowed by law.

MD_HB31_United Spinal Association_FWA_Wheelchair R

Uploaded by: Alexandra Bennewith

Position: FWA

January 17, 2025

The Honorable Delegate C.T. Wilson
Chair, Economic Matters Committee
230 Taylor House Office Building
Annapolis, MD 21401

RE: Favorable with amendments– HB 0031 - Consumer Protection – Right to Repair – Powered Wheelchairs

Dear Chair Wilson:

United Spinal Association is submitting this written testimony for **HB 0031 - Consumer Protection – Right to Repair – Powered Wheelchairs**. The legislative language as written, this version of right to repair, is based on President Biden’s Executive Order on Promoting Competition in the American Economy – July 09, 2021, focusing on repair solutions in the agricultural and digital communication sectors which United Spinal does not support for personalized complex rehab technology solutions for people with disabilities and their respective medical and mobility needs. This model, by itself, is unfortunately not the complete solution within a complex landscape of stakeholders which includes wheelchair manufacturers and providers, Medicare, Medicaid and commercial payers, third-party wheelchair providers as well as clinicians and wheelchair users themselves and we urge that both the House and Senate bills include critical consumer protection provisions as highlighted below.

United Spinal Association, founded by paralyzed veterans in 1946 and, for over 75 years, has been dedicated to enhancing the quality of life of all people living with spinal cord injuries and disorders (SCI/D), paralysis, neurological conditions and other mobility disabilities, including veterans, and providing support and information to loved ones, care providers and professionals. United Spinal represents 5.5 million wheelchair users across the country, has close to 70,000 members, 46 chapters, 119 support groups and more than 100 rehabilitation facilities and hospital partners nationwide. We also work collaboratively with the Spinal Cord Injury Model Systems and the Model Systems Knowledge Translation Center that provide specialized services, support and research in the field of SCI. United Spinal Association is also a VA-accredited veterans service organization (VSO).

Among the solutions United Spinal is advocating for are:

- **guaranteed routine maintenance coverage (every six months)** through insurance (preventative maintenance); empowering wheelchair users to **self-repair certain items that are deemed safe**, (certain batteries for example) and that do not affect critical seating and positioning or electronics and cabling) with the wheelchair industry continuing to make educational tools available to facilitate, and provide assistance and information regarding parts available for sale;
- **temporary rental chairs (as customized as possible) to be available to owner for a limited time while the owner’s primary wheelchair is being repaired as quickly as possible** (chairs that are not fitted properly for the wheelchair user can lead to serious injury or death. We also support reimbursed wheelchair tech assistance for back-up wheelchairs (most recent previously-owned consumer wheelchair); and for providers to go to wheelchair user’s home if necessary;
- advocating for the **use of telehealth for practitioners such as physical therapists, physical therapy assistants, occupational therapists and occupational therapy assistants** would enable clinicians to assist wheelchair users virtually for those individuals who are not able to get to a clinic for a wheelchair evaluation appointment;
- **Wheelchair providers** must be accountable to **service the chairs they provide along with input from certified wheelchair technicians such as assistive technology professionals (ATPs) and seating and mobility specialists (SMS)**;
- **eliminate the prior authorization requirement for complex rehab technology repairs which can reduce the repair wait times by as much as a month;** and,
- **provide a clear and transparent pathway with customer support to review repair needs and timely follow-up.**

United Spinal is concerned that for the over 1.8 million Marylanders on Medicaid¹, this bill, without amendments, will unfortunately do little to address the continued frustrations with wheelchair repair and service for wheelchair users across Maryland and may continue to leave individuals on limited incomes high and dry with little to no recourse. United Spinal, along with our advocates across the country, is working in coalition with many other disability, advocacy, provider and clinician groups in advocating for commonsense bills with core consumer protections within public and commercial insurance for all wheelchair users.

We urge the Economic Matters Committee and the bill sponsor, Delegate Kaufman, to work together with all stakeholders, including the wheelchair industry, to achieve comprehensive service and repair reform. One additional note, I would like all to realize that with the very few wheelchair original equipment manufacturers and providers in existence across the country, especially those that are close to residents with on-the ground support, we want to ensure that these companies continue to serve those in dire need of critical medical equipment and support so that they can retain their independence in their communities.

Thank you for your consideration of these comments. Please do not hesitate to contact Alexandra Bennewith, Vice President, Government Relations at abennewith@unitedspinal.org.

Sincerely,

Alexandra Bennewith

Alexandra Bennewith, MPA
Vice President, Government Relations

Cc:

Del. Aaron Kaufman – HB0031 – Delegate Sponsor
Del. Tom Weber, Vice Chair, Economic Matters Committee
Delegate Membership, Economic Matters Committee
Sen. Cheryl C. Kagan, Vice Chair, Education, Energy, and the Environment Committee - SB0382 – Senate Sponsor
Sen. Brian J. Feldman, Chair, Education, Energy, and the Environment Committee
Senate Membership, Education, Energy, and the Environment Committee

¹ Kaiser Family Foundation, August 2024 <https://files.kff.org/attachment/fact-sheet-medicaid-state-MD>

HB 0031_NCart_Grau_FWA.pdf

Uploaded by: Wayne Grau

Position: FWA



Date: January 17, 2025

To: The Honorable Delegate C.T. Wilson
Chairman, Economic Matters Committee
230 Taylor House Office Building
Annapolis, MD. 21401

RE: Favor with amendments– HB 0031 RE: Right to Repair Power wheelchairs

Dear Chairman Wilson:

On behalf of the National Coalition for Assistive & Rehab Technology (NCART), we respectfully write in favor of HB 0031 with amendments—Consumer Protection- Right to Repair- Powered Wheelchairs as drafted. We oppose the bill as written, as it may unintentionally harm complex needs patients and fail to address the current delays.

NCART is the association for the manufacturers and providers of Complex Rehab Technology (CRT), which includes medically necessary customized manual and power wheelchairs, seating and positioning systems, and other adaptive equipment critical to a small and fragile population of children and adults with severe physical disabilities such as spinal cord injury, traumatic brain injury, cerebral palsy, ALS, multiple sclerosis, and spina bifida. This small subset of products is subject to strict prior authorization. It is individually configured by a team of physicians, clinicians, and providers to fit the unique needs of one specific individual. The CRT evaluation, provision, and ongoing support processes are labor intensive, requiring credentialed staff and focused operational infrastructures. Unfortunately, this equipment is reimbursed as a small segment of durable medical equipment (DME), which does not account for the full operational and labor cost of evaluating, delivering, and fitting the product, creating unnecessary barriers to access.

Access to wheelchair repairs is critical to maintaining the health, safety, and independence of individuals with disabilities. In recent years, consumers have experienced delayed access and fewer provider options when equipment service or repair is needed. As drafted, HB 31 will not address the current challenges in providing repairs while simultaneously exposing CRT patients to additional out-of-pocket costs and adding serious health risks due to improper repairs or clinical parts being purchased without the proper evaluation by a clinician. To this end, we would like to provide the following information for your consideration:

Unintended patient risk and out-of-pocket cost under HB 0031—As it is currently written, this legislation would create additional risks for people with disabilities who rely on CRT power wheelchairs and will *likely expose the patient to out-of-pocket costs*.

CRT power wheelchairs are Class II medical devices regulated by the Food and Drug Administration (FDA), prescribed by physicians and individually configured under clinical guidance from medical professionals (physical and occupational therapists) and a RESNA-certified Assistive Technology Professional (ATP) employed by the provider. Adjustments or repairs to such equipment can significantly impact 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 that must include an ATP and trained rehab technicians on staff to assure patients that properly trained and vetted professionals service their products. Additionally, medical device manufacturers must comply with an extensive set of FDA regulations before and after bringing a device to market. Accordingly, they are required to conduct aftermarket surveillance and report any serious injury or product malfunction. That information is typically identified and gathered by their authorized repair networks.

Additionally, health insurance and Medicaid 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 perform their own repairs or obtain repairs from an independent repair center not enrolled with an insurance plan; they would likely lose any opportunity to be reimbursed by their insurance for the repair cost. Additionally, faulty repairs to power wheelchairs by untrained/unqualified entities could result in additional equipment damage. Should this occur, the cost of parts and labor for added repairs would be the patient's responsibility.

We believe in the importance of consumer choice and respect that some individuals wish to repair their wheelchairs independently of their wheelchair provider. These repairs can be dangerous if performed by someone without proper training; however, there are some basic adjustments and repairs that can be carried out safely by those who wish to seek services outside of the manufacturer's dealer network. Therefore, ***language is needed to ensure self-repair only applies to non-positioning and non-programmable items and that manufacturers are not liable for repairs being completed outside of their authorized networks. NCART has partnered with various consumer groups to pass this language in Tennessee, and we are working in five other states to get this legislation introduced utilizing this agreed-upon language.***

NCART and our members remain committed to collaborating on policy improvements that all stakeholders can support and will help patients with quicker service and repairs. Our suggestion would strike the appropriate balance between allowing self-repair and improving access for sensitive clinical repairs while maintaining patient safety and ensuring FDA compliance. We strongly urge further discussion to reach an agreement among all parties and welcome the opportunity to discuss our concerns and recommendations further.

Thank you for your attention to this matter; if you have any questions, please don't hesitate to contact Wayne Grau at WGrau@NCART.US or 570-902-9878.

Sincerely,

Wayne Grau

Wayne Grau
Executive Director

National Coalition for Assistive & Rehab Technology (NCART)

wgrau@ncart.us