

SUMMARY

SB 550 will extend the right to repair law to consumers for repairs of Complex Rehabilitation Technology (CRT) wheelchairs.

BACKGROUND

People

People who use CRT are living with severe and lifelong conditions including Amyotrophic Lateral Sclerosis [ALS], Cerebral Palsy, cerebral vascular accident, Multiple Sclerosis, Muscular Dystrophy, Parkinson's' Disease, Post-Polio Syndrome, spina bifida, Spinal Cord Injury, Traumatic Brain Injury, and complex conditions [e.g., Guillain-Barre Syndrome, Lupus, multi-limb amputation, Myositis, Rheumatoid Arthritis, or Scleroderma]

Products

Complex manual and power wheelchairs are individually configured to meet the unique and specific needs of the individual who lives in their wheelchair every waking hour of the day. CRT wheelchairs are how our consumers live life.

Process

An individual with a complex medical condition is evaluated by a licensed clinician (Occupational Therapist and/or Physical Therapist) in collaboration with a CRT-certified Assistive Technology Professional. This detailed and specific evaluation results in a wheelchair specifically addressing the individual's physical, functional, and environmental needs. This information is submitted to the state agency or insurance carrier for review and for prior authorization for the wheelchair, options, accessories, and seating and positioning components used with it, all of which have been deemed by a physician or licensed professional to be medically necessary. This process is completed before any equipment is provided to the consumer.

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ISSUE

- The National Coalition of Assistive and Rehab Technology (NCART) and many licensed clinicians believe that consumers should be able to order all non-clinical parts directly from manufacturers. 96.3% of wheelchair parts are non-clinical.
- CRT wheelchairs are not consumer electronics - they are regulated by the Food & Drug Administration (FDA) as Class II medical devices (Moderate to High level of associated risk).
 - The FDA has strict incident reporting requirements to help ensure the safety and efficacy of the devices for consumers. Historically, consumers and third-party repair shops do not provide this information to manufacturers or report it directly to the FDA.
- Adjustments or repairs to such equipment may significantly impact the wheelchair user's positioning, health, and safety. Even small maladjustments may adversely affect the person's respiratory, digestive, or circulatory systems and need for skin pressure relief.
- Consumers or third-party repair shops that purchase parts directly from the manufacturer will not be reimbursed for this expense. They are ineligible because they are not in the Medicaid or insurer's network.

SUPPORT WITH -2 AMENDMENT

SB 550: The Right to Repairs Wheelchairs Act is well-intended, and we understand consumers want to be able to order non-clinical parts directly from manufacturers. The -2 amendment would allow purchasing items that do not require programming, calibration, or clinical involvement. We urge the committee to adopt the amendment.