**Right to Repair: Part 2**

**What it is:**

* This Right to Repair legislation - HB2147/SB2368 - establishes three avenues for the repair of a power or manual wheelchair: (1) authorized repair through a wheelchair manufacturer (2) independent repair for some types of issues and (3) twice-yearly preventative maintenance through a wheelchair supplier. All are required to be covered by TennCare and private insurance benefits plans

**What happens now:**

* Currently, only repair technicians authorized by a wheelchair manufacturer may repair an issue with a wheelchair without jeopardizing the wheelchair’s warranty, and not all repairs are covered by insurance
* Similarly, access to parts, manuals and other important tools for repair are strictly limited to authorized repair persons, making independent repair, regardless of warranty, very difficult
* Many repairs could be addressed, if not prevented, through routine check-ups and maintenance of the wheelchair, and twice-yearly preventative maintenance encourages suppliers to keep parts and other important tools in-stock and more readily available
* The lack of comprehensive maintenance and repair planning negatively impacts chair users, leading to long waits for repairs and high out of pocket costs

**Precedents:**

* Right to Repair: Part 1 in Tennessee prohibited wheelchair manufacturers and providers from requiring prior authorization for the repair of wheelchairs, eliminating a costly and time-consuming barrier to repair
* Colorado passed similar legislation in 2022, prohibiting prior authorization and establishing the right for independent repair technicians to access necessary parts and tools for repair
  + However, the Colorado legislation differs in that there is no preventative maintenance provision, and no requirement for insurance coverage, limiting the impact of the law

**Obstacles:**

* Most insurance companies and state Medicaid agencies (like TennCare) are not required to cover preventative maintenance by the Centers for Medicare and Medicaid (CMS), which may require CMS to clarify (or alter) their polices
* Preventative maintenance costs money, and the Tennessee’s state budget is currently running a deficit for 2024
* This is a first-in-the-nation attempt at legislation that looks like this one, which makes its impact somewhat speculative, and challenges long-standing policies and practices related to wheelchairs and other durable medical equipment