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Testimony re: **53 House 5017**, AN ACT RELATING TO COMMERCIAL LAW – GENERAL REGULATORY PROVISIONS – CONSUMER ENFORCEMENT OF ASSISTIVE TECHNOLOGY DEVICE WARRANTIES

Position: **For**

My name is Annette Bourbonniere, and I live in Newport Rhode Island.

Wheelchairs are essential equipment for those of us who need them. They are not things that we can go without for a week or month or whatever time it takes wheelchair vendors to get around to scheduling service. For those of us who live in wheelchairs, our lives are dependent on them. With a properly fitted and functioning wheelchair, we can live full and independent lives. When a wheelchair is neither properly fitted nor properly functioning, our lives are thrown into chaos and jeopardy.

In 2003, Congress mandated competitive bidding for all durable medical equipment, which includes wheelchairs, especially those that fall under the category of complex rehabilitation therapy. This process allows for only one or two vendors to provide the same services in a state, creating a monopoly or duopoly. In the case of wheelchair vendors, the ones that have won the bids are large multistate corporations that have no incentive to provide service. With consumers who are dependent on their products and nobody to compete against them, service is not always a consideration. This leaves those of us who live in wheelchairs with no options.

A little about myself – I am a 78-year-old woman who incurred a spinal cord injury more than 50 years ago. Since that original injury, I sustained a significant shoulder injury in a handcycling accident and later also had surgery on my right shoulder for a rotator cuff tear. I now also have a narrowing of the spinal column in my neck, resulting in diminished use of my hands and arms. I am an intelligent woman with a Master's Degree in Environmental and Natural Resource Economics and still work. I conduct research in disability employment policy, have taught economics courses (most recently, *The Economics of Disability* at the University of Rhode Island), and do accessibility and inclusion consulting. I am fully dependent on my wheelchair and going without it for even one day is a disaster for me. So, you can see that the following story was a nightmare that nobody should go through.

When I got a new wheelchair several years ago, it arrived without the proper configuration and a technician who did not know how to configure it properly. In the first few months I had this ill-fitting chair, I needed several service calls including one caused by a wheel that would not work at all. Every service call required a three to six-week wait, forcing me to use my old chair more than the new one. It was never properly and safely configured. After a year and several serious incidents, because it was improperly configured, I insisted that I be able to return it. I had already had one pressure sore and

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another torn rotator cuff due to the problems with that chair. Fifteen months after my original evaluation, I still did not have a safe and reliable chair.

I switched to using my old chair which I had used most of the time anyway. The old chair which had survived longer than it was expected to, had been purchased from the same vendor. Before my appointment with a new vendor, that older chair began giving messages about a bad cable. When the technician came to my house a couple of weeks after calling them, he told me that the cable would not give out and that the chair would work fine. But it didn't. It stopped working on the Friday night of Labor Day weekend. I had to stay in bed for a full week and had to rely on the fire department to bring me to the bathroom and shower.

During the time I had the damaged chair, I missed multiple appointments and meetings, sustained a pressure sore, and tore my right rotator cuff again. This chair was supposed to be my mobility. My story is one of the many I hear about from others with mobility disabilities.

If we had had an enforceable law that allowed additional avenues to obtain repairs and stay mobile, much of this could have been avoided. Having to wait 3 to 6 weeks or more for a repair to needed equipment is not acceptable. Most of the needed repairs could be accomplished by anyone who is mechanical if we could purchase the parts. I had one repair recently that was simply changing out a plug-and-play part but had to wait several weeks to have the vendor do it. The same insurance that paid for the chair should pay for the parts.

Again, please pass this law so that we can live our lives freely without being dependent on the schedules of organizations whose primary goal is to sell wheelchairs.

Thank you for your consideration.

Respectfully submitted,

Annette Bourbonniere

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