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State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. **675**

02/18/2013 Authored by Schoen, Abeler, Zerwas, Liebling, Huntley and others

The bill was read for the first time and referred to the Committee on Health and Human Services Policy

1.1 A bill for an act
1.2 relating to insurance; requiring coverage for orthotic and prosthetic devices;
1.3 proposing coding for new law in Minnesota Statutes, chapter 62Q.
1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. **[62Q.665] COVERAGE FOR ORTHOTIC AND PROSTHETIC**
1.6 **DEVICES.**

1.7 Subdivision 1. **Definitions.** The following definitions have the meanings given for
1.8 purposes of this section.

1.9 (a) "Accredited facility" means any entity that is accredited to provide
1.10 comprehensive orthotic or prosthetic devices or services by a Centers for Medicare and
1.11 Medicaid Services approved accrediting agency.

1.12 (b) "Orthosis" means:

1.13 (1) an external medical device that is custom-fabricated or custom-fitted to a specific
1.14 patient based on the patient's unique physical condition and is applied to a part of the body
1.15 to correct a deformity, provide support and protection, restrict motion, improve function,
1.16 or relieve symptoms of a disease, syndrome, injury, or postoperative condition and is
1.17 deemed medically necessary by a prescribing physician or licensed health care prescriber
1.18 who has authority in this state to prescribe orthotic and prosthetic devices, supplies, and
1.19 services; and

1.20 (2) any provision, repair, or replacement of a device that is furnished or performed by:

1.21 (i) an accredited facility in comprehensive orthotic services; or

1.22 (ii) a health care provider licensed in Minnesota and operating within the provider's
1.23 scope of practice which allows the provider to provide orthotic or prosthetic devices,
1.24 supplies, or services.

2.1 (c) "Orthotics" means:

2.2 (1) the science and practice of evaluating, measuring, designing, fabricating,
2.3 assembling, fitting, adjusting, or servicing and providing the initial training necessary to
2.4 accomplish the fitting of an orthotic device for the support, correction, or alleviation of a
2.5 neuromuscular or musculoskeletal dysfunction, disease, injury, or deformity;

2.6 (2) evaluation, treatment, and consultation;

2.7 (3) basic observation of gait and postural analysis;

2.8 (4) assessing and designing orthosis to maximize function and provide support
2.9 and alignment necessary to prevent or correct a deformity or to improve the safety and
2.10 efficiency of mobility and locomotion;

2.11 (5) continuing patient care to assess the effect on the patient's tissues; and

2.12 (6) proper fit and function of the orthotic device by periodic evaluation.

2.13 (d) "Prosthesis" means an external medical device that is used to replace or restore
2.14 a missing limb, appendage, or other external human body part and is deemed medically
2.15 necessary by a prescribing physician or licensed health care prescriber who has authority
2.16 in this state to prescribe orthotic and prosthetic devices, supplies, and services. Prosthesis
2.17 includes any provision, repair, or replacement of a device that is furnished or performed by:

2.18 (1) an accredited facility in comprehensive prosthetic services; or

2.19 (2) a health care provider licensed in Minnesota and operating within the provider's
2.20 scope of practice which allows the provider to provide orthotic or prosthetic devices,
2.21 supplies, or services.

2.22 (e) "Prosthetics" means the science and practice of evaluating, measuring, designing,
2.23 fabricating, assembling, fitting, aligning, adjusting, or servicing, as well as providing the
2.24 initial training necessary to accomplish the fitting of, a prosthesis through the replacement
2.25 of external parts of a human body lost due to amputation or congenital deformities or
2.26 absences. The practice of prosthetics also includes the generation of an image, form,
2.27 or mold that replicates the patient's body segment and that requires rectification of
2.28 dimensions, contours, and volumes for use in the design and fabrication of a socket to
2.29 accept a residual anatomic limb to, in turn, create an artificial appendage that is designed
2.30 either to support body weight or to improve or restore function or anatomical appearance,
2.31 or both. Involved in the practice of prosthetics is observational gait analysis and clinical
2.32 assessment of the requirements necessary to refine and mechanically fix the relative
2.33 position of various parts of the prosthesis to maximize function, stability, and safety of the
2.34 patient. The practice of prosthetics includes providing and continuing patient care in order
2.35 to assess the prosthetic device's effect on the patient's tissues and to assure proper fit and
2.36 function of the prosthetic device by periodic evaluation.

3.1 Subd. 2. **Coverage.** (a) A health plan shall provide coverage for orthotic and
3.2 prosthetic devices, supplies, and services, including repair and replacement, to the extent
3.3 that coverage is provided under federal law for health insurance for the aged and disabled
3.4 under sections 1832, 1833, and 1834 of the Social Security Act (United States Code, title
3.5 42, sections 1395k, 1395l, and 1395m), but only to the extent consistent with this section.

3.6 (b) Orthotic and prosthetic device coverage under this section may be subject only
3.7 to the annual or lifetime dollar maximum that applies generally to all terms and services
3.8 covered under the plan.

3.9 (c) Orthotic and prosthetic benefits must not be subject to separate financial
3.10 requirements that apply only with respect to those benefits. A health plan may impose
3.11 co-payment and coinsurance amounts on those benefits; however, any financial
3.12 requirements that apply to such benefits may be no more restrictive than the financial
3.13 requirements that apply to the health plan's medical and surgical benefits, including those
3.14 for internal restorative devices.

3.15 (d) A health plan may limit the benefits for, or alter the financial requirements for,
3.16 out-of-network coverage of prosthetic and orthotic devices; however, the restrictions and
3.17 requirements that apply to those benefits may be no more restrictive than the financial
3.18 requirements that apply to the out-of-network coverage for the health plan's medical
3.19 and surgical benefits.

3.20 (e) Coverage for orthotic and prosthetic devices, supplies, and services must not be
3.21 subject to any limitations for preexisting conditions.

3.22 (f) Orthoses and prostheses must be covered when furnished under an order by a
3.23 prescribing physician or licensed health care prescriber who has authority in this state to
3.24 prescribe orthoses and prostheses, and that coverage for orthotic and prosthetic devices,
3.25 supplies, accessories, and services must include those devices or device systems, supplies,
3.26 accessories, and services that are customized to the covered individual's needs.

3.27 Subd. 3. **Prior authorization.** A health plan may require prior authorization for
3.28 orthotic and prosthetic devices, supplies, and services in the same manner and to the same
3.29 extent as prior authorization is required for any other covered benefit.

3.30 **EFFECTIVE DATE.** This section is effective August 1, 2013, and applies to all
3.31 health plans issued or renewed to provide coverage for Minnesota residents on or after
3.32 that date.