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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2007

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A N A C T

RELATING TO INSURANCE -- ORTHOTIC AND PROSTHETIC SERVICES

Introduced By: Senators Ciccone, Badeau, Maselli, and Ruggerio

Date Introduced: February 13, 2007

Referred To: Senate Health & Human Services

It is enacted by the General Assembly as follows:

1           SECTION 1. Chapter 27-41 of the General Laws entitled "Health Maintenance  
2 Organizations" is hereby amended by adding thereto the following section:

3           **27-41-72. Reimbursement for orthotic and prosthetic services.** – (a) As used in this  
4 section:

5           (1) "Federal reimbursement rates" means the current listed fee schedule from the Centers  
6 for Medicare and Medicaid Services, listing the current Healthcare Common Procedure Coding  
7 system (HCPCS) and the corresponding reimbursement rates.

8           (2) "Orthosis" means a custom fabricated brace or support that is designed based on  
9 medical necessity. Orthosis does not include prefabricated or direct-formed orthotic devices, as  
10 defined in this section, or any of the following assistive technology devices: commercially  
11 available knee orthoses used following injury or surgery; spastic muscle-tone inhibiting orthoses;  
12 upper extremity adaptive equipment; finger splints; hand splints; wrist gauntlets; face masks used  
13 following burns; wheelchair seating that is an integral part of the wheelchair and not worn by the  
14 patient independent of the wheelchair; fabric or elastic supports; corsets; low-temperature formed  
15 plastic splints; trusses; elastic hose; canes; crutches; cervical collars; dental appliances; and other  
16 similar devices as determined by the director of the department of health, such as those  
17 commonly carried in stock by a pharmacy, department store, corset shop, or surgical supply  
18 facility.

19           (3) "Orthotics" means the science and practice of evaluating measuring, designing,

1 fabricating, assembling, fitting, adjusting or servicing, as well as providing the initial training  
2 necessary to accomplish the fitting of, an orthosis for the support, correction, or alleviation of  
3 neuromuscular or musculoskeletal dysfunction, disease, injury or deformity. The practice of  
4 orthotics encompasses evaluation, treatment, and consultation; with basic observational gait and  
5 postural analysis, orthotists assess and design orthoses to maximize function and provide not only  
6 the support but the alignment necessary to either prevent or correct a deformity or to improve the  
7 safety and efficiency of mobility or locomotion or both. Orthotic practice includes providing  
8 continuing patient care in order to assess its effect on the patient's tissues and to assure proper fit  
9 and function of the orthotic device by periodic evaluation.

10 (4) "Prosthesis" means an artificial limb that is alignable or, in lower-extremity  
11 applications capable of weight bearing. Prosthesis means an artificial medical device that is not  
12 surgically implanted and that is used to replace a missing limb, appendage, or other external  
13 human body part including an artificial limb, hand, or foot. The term does not include artificial  
14 eyes, ears, noses, dental appliances, osotmy products, or devices such as eyelashes or wigs.

15 (5) "Prosthetics" means the science and practice of evaluation, measuring, designing,  
16 fabricating, assembling, fitting, aligning, adjusting or servicing, as well as providing the initial  
17 training necessary to accomplish the fitting of, a prosthesis through the replacement of external  
18 parts of a human body lost due to amputation or congenital deformities or absences. The practice  
19 of prosthetics also includes the generation of an image, form, or mold that replicates the patient's  
20 body or body segment and that requires rectification of dimensions, contours and volumes for use  
21 in the design and fabrication of a socket to accept a residual anatomic limb to, in turn, create an  
22 artificial appendage that is designed either to support body weight or to improve or restore  
23 function or cosmesis, or both. Involved in the practice of prosthetics is observational gait analysis  
24 and clinical assessment of the requirements necessary to refine and mechanically fix the relative  
25 position of various parts of the prosthesis to maximize function, stability, and safety of the  
26 patient. The practice of prosthetics includes providing and continuing patient care in order to  
27 assess the prosthetic device's effect on the patient's tissues and to assure proper fit and function of  
28 the prosthetic device by periodic evaluation.

29 (6) "Private insurance company" means any insurance company, or management  
30 company hired by an insurance company, who is any of the following:

31 (i) based in the state of Rhode Island; or

32 (ii) provides coverage for citizens for the state of Rhode Island; or

33 (iii) allows subscribing patients to seek prosthetic or orthotic services in the state of  
34 Rhode Island.

1           (b) Every individual or group health insurance contract, plan or policy delivered, issued  
2 for delivery or renewed in this state on or after January 1, 2006, which provides medical coverage  
3 that includes coverage for physician services in a physician's office and every policy, which  
4 provides major medical or similar comprehensive type coverage shall provide coverage for  
5 benefits for orthotic and prosthetic devices that equal those benefits provided for under federal  
6 laws for health insurance for the aged and disabled pursuant to 42 U.S.C. sections 1395K, 13951  
7 and 1395M and 42 CFR 414.202, 414.210, 414.228, and 410.100 as applicable to this section.

8           (c) A health insurance contract, plan or policy may require prior authorization for orthotic  
9 and prosthetic devices in the same manner that prior authorization is required for any other  
10 covered benefit.

11           (d) Covered benefits for orthotic or prosthetic devices shall be limited to the most  
12 appropriate model that adequately meets the medical needs of the patient as determined by the  
13 insured's treating physician.

14           (e) The repair and replacement of orthotic or prosthetic devices also shall be covered  
15 subject to co-payments and deductibles, unless necessitated by misuse or loss.

16           (f) An insurer may require, if coverage is provided through a managed care plan, that  
17 benefits mandated pursuant to this section be covered benefits only if the orthotic or prosthetic  
18 devices are provided by a vendor and orthotic or prosthetic services are rendered by a provider  
19 who is licensed by the state of Rhode Island to provide orthotics and prosthetics.

20           (g) This chapter shall not apply to insurance coverage providing benefits for:

- 21           (1) hospital confinement indemnity;
- 22           (2) disability income;
- 23           (3) accident only;
- 24           (4) long-term care;
- 25           (5) Medicare supplement;
- 26           (6) limited benefit health;
- 27           (7) specified disease indemnity;
- 28           (8) sickness or bodily injury death by accident or both; and
- 29           (9) other limited benefit policies.

30           SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO INSURANCE -- ORTHOTIC AND PROSTHETIC SERVICES

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1           This act would require that health maintenance organization policies to provide orthotic  
2 and prosthetic devices at a reimbursement rate equal to those provided for under federal laws for  
3 aged and disabled persons.

4           This act would take effect upon passage.

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