

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2718 Session of  
2006

INTRODUCED BY O'NEILL, MCILHATTAN, BEBKO-JONES, BELFANTI, BEYER, CALTAGIRONE, CAWLEY, CRAHALLA, CREIGHTON, DeWEESE, FABRIZIO, FREEMAN, GEIST, GEORGE, GOODMAN, GRUCELA, HARHAI, HENNESSEY, JAMES, KOTIK, LEDERER, MARKOSEK, MCGEEHAN, MYERS, PALLONE, PARKER, PAYNE, PHILLIPS, PISTELLA, PYLE, SCAVELLO, SIPTROTH, SOLOBAY, SURRA, E. Z. TAYLOR, THOMAS, TIGUE AND YOUNGBLOOD, JUNE 6, 2006

REFERRED TO COMMITTEE ON HEALTH AND HUMAN SERVICES, JUNE 6, 2006

AN ACT

1 Amending the act of May 17, 1921 (P.L.682, No.284), entitled "An  
2 act relating to insurance; amending, revising, and  
3 consolidating the law providing for the incorporation of  
4 insurance companies, and the regulation, supervision, and  
5 protection of home and foreign insurance companies, Lloyds  
6 associations, reciprocal and inter-insurance exchanges, and  
7 fire insurance rating bureaus, and the regulation and  
8 supervision of insurance carried by such companies,  
9 associations, and exchanges, including insurance carried by  
10 the State Workmen's Insurance Fund; providing penalties; and  
11 repealing existing laws," providing for reimbursement for  
12 prosthetic devices.

13 The General Assembly finds and declares as follows:

14 (1) Individuals with limb loss face many challenges.

15 Included in these challenges are the economic pressures  
16 placed on these individuals and their families.

17 (2) Individuals with limb loss need a prosthetic device  
18 to continue to function daily by maintaining educational  
19 activities or by being an integral part of the work force to  
20 provide for their own economic support and for their family.

1           (3) The intent of this act is to assist the special  
2 needs of individuals with limb loss to be functioning,  
3 contributing members of society.

4           (4) The General Assembly recognizes that a prosthetic  
5 device is critical to the well-being of individuals with limb  
6 loss and finds it necessary to require that health insurance  
7 policies issued in this Commonwealth include such coverage.

8           The General Assembly of the Commonwealth of Pennsylvania  
9 hereby enacts as follows:

10          Section 1. The act of May 17, 1921 (P.L.682, No.284), known  
11 as The Insurance Company Law of 1921, is amended by adding a  
12 section to read:

13          Section 635.2. Reimbursement for Prosthetic Devices.--(a)  
14 Except to the extent already covered under another policy, any  
15 individual or group health, sickness and accident insurance  
16 policy, group health insurance plans/policies, and all other  
17 forms of managed/capitated care plans/policies or subscriber  
18 contract or certificate issued by any entity subject to 40  
19 Pa.C.S. Ch. 61 (relating to hospital plan corporations) or 63  
20 (relating to professional health services plan corporations) or  
21 the act of December 29, 1972 (P.L.1701, No.364), known as the  
22 "Health Maintenance Organization Act," or this act providing  
23 hospital or medical/surgical coverage shall provide coverage of  
24 prosthetic devices and components if prescribed by a health care  
25 professional legally authorized to prescribe such items under  
26 law. The benefits specified in this section may be provided  
27 through a combination of policies, contracts, certificates or  
28 riders, including major medical contracts.

29          (b) All of the following shall apply:

30          (1) A health care insurer may require preauthorization to

determine medical necessity and the eligibility of benefits for  
prosthetic devices and components.

(2) Coverage under this section shall also include the  
fitting, repair or replacement of a prosthetic device and/or  
component if the fitting, repair or replacement is determined to  
be medically necessary. A fitting, repair or replacement  
necessitated by the negligence of proper care and maintenance or  
by an abusive act committed by the individual having the  
prosthetic device shall not be covered.

(3) A health care insurer may require that prosthetic  
services be rendered by a provider that contracts with the  
carrier and that a prosthetic device or component be provided by  
a vendor designated by that insurer.

(4) Coverage shall not be required for a prosthetic device  
that is designed exclusively for athletic purposes.

(5) Coverage under this section shall remain subject to any  
copayment, coinsurance or deductible amounts imposed by an  
entity subject to this section for similar coverages under the  
same health insurance policy or contract.

(6) The attending physician must certify the medical  
necessity for a prosthetic device and component as a proposed  
course of treatment.

(c) When used in this section, the following terms shall  
have the meanings given to them in this subsection:

(1) "Component" means the materials and equipment needed to  
ensure the comfort and functioning of a prosthetic device.

(2) "Limb" means an arm, a hand, a leg, a foot or any  
portion of an arm, a hand, a leg or a foot.

(3) "Prosthetic device" means an artificial device to  
replace a limb in whole or in part, including components.

1       Section 2.   This act shall take effect in 60 days.