

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 783 Session of 2011

INTRODUCED BY O'NEILL, MATZIE, BARRAR, BRIGGS, CALTAGIRONE,
COHEN, D. COSTA, EVERETT, FLECK, GEIST, GEORGE, GOODMAN,
HARKINS, HESS, JOSEPHS, KAVULICH, KIRKLAND, KORTZ, LONGIETTI,
MAJOR, MILLARD, MOUL, MURT, D. O'BRIEN, PYLE, RAPP, READSHAW,
REICHLEY, SCAVELLO, VULAKOVICH AND WATSON, FEBRUARY 23, 2011

REFERRED TO COMMITTEE ON INSURANCE, FEBRUARY 23, 2011

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.

21 (3) The intent of this act is to assist the special

needs of individuals with limb loss to be functioning,
contributing members of society.

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

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

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

Section 635.6. Reimbursement for Prosthetic Devices.--(a)
Except to the extent already covered under another policy, any
individual or group health, sickness and accident insurance
policy, group health insurance plans and policies, and all other
forms of managed and capitated care plans and policies or
subscriber contract or certificate issued by any entity subject
to 40 Pa.C.S. Ch. 61 (relating to hospital plan corporations) or
63 (relating to professional health services plan corporations)
or the act of December 29, 1972 (P.L.1701, No.364), known as the
"Health Maintenance Organization Act," or this act providing
hospital or medical and surgical coverage shall provide coverage
of prosthetic devices and components if prescribed by a health
care professional legally authorized to prescribe such items
under law. The benefits specified in this section may be
provided through a combination of policies, contracts,
certificates or riders, including major medical contracts.

(b) (1) A health care insurer may require preauthorization
to determine medical necessity and the eligibility of benefits
for prosthetic devices and components.

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

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

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

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

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

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

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

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

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

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