

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1333 Session of 2009

INTRODUCED BY O'NEILL, MATZIE, BARRAR, BELFANTI, BEYER, COHEN, D. COSTA, CREIGHTON, DALEY, EVERETT, FABRIZIO, GEIST, GEORGE, HENNESSEY, HESS, HORNAMAN, JOSEPHS, KULA, MAJOR, MELIO, MILLARD, MURPHY, MURT, OBERLANDER, D. O'BRIEN, PICKETT, RAPP, READSHAW, REICHLEY, SCAVELLO, SEIP, SIPTROTH, K. SMITH, VULAKOVICH, WATSON AND YOUNGBLOOD, APRIL 22, 2009

REFERRED TO COMMITTEE ON HEALTH AND HUMAN SERVICES, APRIL 22, 2009

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 635.4. 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) (1) A health care insurer may require preauthorization
30 to determine medical necessity and the eligibility of benefits

1 for prosthetic devices and components.

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

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

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

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

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

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

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

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

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

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