

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 289 Session of 2021

INTRODUCED BY MENSCH, REGAN, J. WARD, COSTA, BLAKE, CAPPELLETTI, COLLETT, FONTANA, SANTARSIERO AND TARTAGLIONE, FEBRUARY 26, 2021

REFERRED TO BANKING AND INSURANCE, FEBRUARY 26, 2021

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," in casualty insurance, providing
 12 for reimbursement for prosthetic devices.

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

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

18 Section 635.8. Reimbursement for Prosthetic Devices.--(a)
 19 Except to the extent already covered under another policy, an
 20 individual or group health, sickness and accident insurance
 21 policy, group health insurance plans and policies, and all other
 22 forms of managed and capitated care plans and policies or

1 subscriber contracts or certificates issued by any entity
2 subject to 40 Pa.C.S. Ch. 61 (relating to hospital plan
3 corporations) or 63 (relating to professional health services
4 plan corporations) or the act of December 29, 1972 (P.L.1701,
5 No.364), known as the "Health Maintenance Organization Act," or
6 this act providing hospital or medical and surgical coverage
7 shall provide coverage of prosthetic devices and components if
8 prescribed by a health care professional legally authorized to
9 prescribe such items under law. The benefits specified in this
10 section may be provided through a combination of policies,
11 contracts, certificates or riders, including major medical
12 contracts.

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

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

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

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

29 (5) Coverage under this section shall remain subject to any
30 copayment, coinsurance or deductible amounts imposed by an

1 entity subject to this section for similar coverages under the
2 same health insurance policy or contract.

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

6 (c) As used in this section:

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

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

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

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