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LC00756  
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# STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2006

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A N A C T

RELATING TO HEALTH INSURANCE COVERAGE -- ORTHOTIC AND PROSTHETIC SERVICES

Introduced By: Senators Ciccone, Badeau, McCaffrey, Alves, and Pichardo

Date Introduced: January 26, 2006

Referred To: Senate Health & Human Services

It is enacted by the General Assembly as follows:

1           SECTION 1. Chapter 27-18 of the General Laws entitled "Accident and Sickness  
2 Insurance Policies" is hereby amended by adding thereto the following section:

3           **27-18-65. 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.](#)

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

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

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

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

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

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

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

1 Rhode Island.

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

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

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

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

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

21 SECTION 2. Chapter 27-19 of the General Laws entitled "Nonprofit Hospital Service  
22 Corporations" is hereby amended by adding thereto the following section:

23 **27-19-56. Reimbursement for orthotics and prosthetic services.** – (a) As used in this  
24 section:

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

28 (2) "Orthosis" means a custom fabricated brace or support that is designed based on  
29 medical necessity. Orthosis does not include prefabricated or direct-formed orthotic devices, as  
30 defined in this section, or any of the following assistive technology devices: commercially  
31 available knee orthoses used following injury or surgery; spastic muscle-tone inhibiting orthoses;  
32 upper extremity adaptive equipment; finger splints; hand splints; wrist gauntlets; face masks used  
33 following burns; wheelchair seating that is an integral part of the wheelchair and not worn by the  
34 patient independent of the wheelchair; fabric or elastic supports; corsets; low-temperature formed

1 plastic splints; trusses; elastic hose; canes; crutches; cervical collars; dental appliances; and other  
2 similar devices as determined by the director of the department of health, such as those  
3 commonly carried in stock by a pharmacy, department store, corset shop, or surgical supply  
4 facility.

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

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

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

34 (6) "Private insurance company" means any insurance company, or management

1 company hired by an insurance company, who is any of the following:

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

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

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

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

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

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

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

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

25 SECTION 3. Chapter 27-20 of the General Laws entitled "Nonprofit Medical Service  
26 Corporations" is hereby amended by adding thereto the following section:

27 **27-20-50. Reimbursement for orthotics and prosthetic services.** -- (a) As used in this  
28 section:

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

32 (2) "Orthosis" means a custom fabricated brace or support that is designed based on  
33 medical necessity. Orthosis does not include prefabricated or direct-formed orthotic devices, as  
34 defined in this section, or any of the following assistive technology devices: commercially

1 available knee orthoses used following injury or surgery; spastic muscle-tone inhibiting orthoses;  
2 upper extremity adaptive equipment; finger splints; hand splints; wrist gauntlets; face masks used  
3 following burns; wheelchair seating that is an integral part of the wheelchair and not worn by the  
4 patient independent of the wheelchair; fabric or elastic supports; corsets; low-temperature formed  
5 plastic splints; trusses; elastic hose; canes; crutches; cervical collars; dental appliances; and other  
6 similar devices as determined by the director of the department of health, such as those  
7 commonly carried in stock by a pharmacy, department store, corset shop, or surgical supply  
8 facility.

9 (3) "Orthotics" means the science and practice of evaluating measuring, designing,  
10 fabricating, assembling, fitting, adjusting or servicing, as well as providing the initial training  
11 necessary to accomplish the fitting of, an orthosis for the support, correction, or alleviation of  
12 neuromuscular or musculoskeletal dysfunction, disease, injury or deformity. The practice of  
13 orthotics encompasses evaluation, treatment, and consultation; with basic observational gait and  
14 postural analysis, orthotists assess and design orthoses to maximize function and provide not only  
15 the support but the alignment necessary to either prevent or correct a deformity or to improve the  
16 safety and efficiency of mobility or locomotion or both. Orthotic practice includes providing  
17 continuing patient care in order to assess its effect on the patient's tissues and to assure proper fit  
18 and function of the orthotic device by periodic evaluation.

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

24 (5) "Prosthetics" means the science and practice of evaluation, measuring, designing,  
25 fabricating, assembling, fitting, aligning, adjusting or servicing, as well as providing the initial  
26 training necessary to accomplish the fitting of, a prosthesis through the replacement of external  
27 parts of a human body lost due to amputation or congenital deformities or absences. The practice  
28 of prosthetics also includes the generation of an image, form, or mold that replicates the patient's  
29 body or body segment and that requires rectification of dimensions, contours and volumes for use  
30 in the design and fabrication of a socket to accept a residual anatomic limb to, in turn, create an  
31 artificial appendage that is designed either to support body weight or to improve or restore  
32 function or cosmesis, or both. Involved in the practice of prosthetics is observational gait analysis  
33 and clinical assessment of the requirements necessary to refine and mechanically fix the relative  
34 position of various parts of the prosthesis to maximize function, stability, and safety of the

1 patient. The practice of prosthetics includes providing and continuing patient care in order to  
2 assess the prosthetic device's effect on the patient's tissues and to assure proper fit and function of  
3 the prosthetic device by periodic evaluation.

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

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

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

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

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

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

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

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

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

29 SECTION 4. Chapter 27-40 of the General Laws entitled "Insurance Premium Finance  
30 Agreements" is hereby amended by adding thereto the following section:

31 **27-40-69. Reimbursement for orthotic and prosthetic services.** -- (a) As used in this  
32 section:

33 (1) "Federal reimbursement rates" means the current listed fee schedule from the Centers  
34 for Medicare and Medicaid Services, listing the current Healthcare Common Procedure Coding

1 system (HCPCS) and the corresponding reimbursement rates.

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

13 (3) "Orthotics" means the science and practice of evaluating measuring, designing,  
14 fabricating, assembling, fitting, adjusting or servicing, as well as providing the initial training  
15 necessary to accomplish the fitting of, an orthosis for the support, correction, or alleviation of  
16 neuromuscular or musculoskeletal dysfunction, disease, injury or deformity. The practice of  
17 orthotics encompasses evaluation, treatment, and consultation; with basic observational gait and  
18 postural analysis, orthotists assess and design orthoses to maximize function and provide not only  
19 the support but the alignment necessary to either prevent or correct a deformity or to improve the  
20 safety and efficiency of mobility or locomotion or both. Orthotic practice includes providing  
21 continuing patient care in order to assess its effect on the patient's tissues and to assure proper fit  
22 and function of the orthotic device by periodic evaluation.

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

28 (5) "Prosthetics" means the science and practice of evaluation, measuring, designing,  
29 fabricating, assembling, fitting, aligning, adjusting or servicing, as well as providing the initial  
30 training necessary to accomplish the fitting of, a prosthesis through the replacement of external  
31 parts of a human body lost due to amputation or congenital deformities or absences. The practice  
32 of prosthetics also includes the generation of an image, form, or mold that replicates the patient's  
33 body or body segment and that requires rectification of dimensions, contours and volumes for use  
34 in the design and fabrication of a socket to accept a residual anatomic limb to, in turn, create an



1 artificial appendage that is designed either to support body weight or to improve or restore  
2 function or cosmesis, or both. Involved in the practice of prosthetics is observational gait analysis  
3 and clinical assessment of the requirements necessary to refine and mechanically fix the relative  
4 position of various parts of the prosthesis to maximize function, stability, and safety of the  
5 patient. The practice of prosthetics includes providing and continuing patient care in order to  
6 assess the prosthetic device's effect on the patient's tissues and to assure proper fit and function of  
7 the prosthetic device by periodic evaluation.

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

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

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

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

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

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

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

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

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

1 SECTION 5. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T  
RELATING TO HEALTH INSURANCE COVERAGE -- ORTHOTIC AND PROSTHETIC  
SERVICES

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

4           This act would take effect upon passage.

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