

REFERENCE TITLE: insurance coverage; prosthetics; orthotics

State of Arizona
House of Representatives
Fifty-fifth Legislature
Second Regular Session
2022

HB 2302

Introduced by
Representative Dalessandro

AN ACT

AMENDING TITLE 20, CHAPTER 4, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 20-826.05; AMENDING TITLE 20, CHAPTER 4, ARTICLE 9, ARIZONA REVISED STATUTES, BY ADDING SECTION 20-1057.19; AMENDING TITLE 20, CHAPTER 6, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTION 20-1342.08; AMENDING TITLE 20, CHAPTER 6, ARTICLE 5, ARIZONA REVISED STATUTES, BY ADDING SECTION 20-1406.10; RELATING TO HEALTH INSURANCE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 20, chapter 4, article 3, Arizona Revised
3 Statutes, is amended by adding section 20-826.05, to read:

4 20-826.05. Prosthetic and orthotic coverage; reimbursement
5 rates; definitions

6 A. A SUBSCRIPTION CONTRACT THAT IS ISSUED TO A SUBSCRIBER SHALL
7 PROVIDE COVERAGE FOR PROSTHETIC DEVICES AND ORTHOTIC DEVICES THAT IS AT
8 LEAST EQUIVALENT TO THE COVERAGE CURRENTLY PROVIDED UNDER TITLE XVIII OF
9 THE SOCIAL SECURITY ACT AND RULES ADOPTED PURSUANT TO THAT TITLE, AND THE
10 COVERAGE MAY NOT BE PROVIDED UNDER LESS FAVORABLE TERMS OR CONDITIONS THAN
11 ANY OTHER MEDICAL OR SURGICAL BENEFITS UNDER THE CONTRACT.

12 B. THE CONTRACT SHALL PROVIDE COVERAGE FOR:

13 1. THE MOST APPROPRIATE DEVICE THAT THE TREATING PHYSICIAN
14 DETERMINES IS MEDICALLY NECESSARY TO RESTORE FUNCTIONALITY AT OPTIMAL
15 LEVELS.

16 2. ALL SERVICES AND SUPPLIES THAT ARE NECESSARY FOR THE EFFECTIVE
17 USE OF A PROSTHETIC DEVICE OR ORTHOTIC DEVICE, INCLUDING BOTH:

18 (a) FORMULATING THE DEVICE'S DESIGN, FABRICATION, MATERIAL AND
19 COMPONENT SELECTION, MEASUREMENTS, FITTINGS AND STATIC AND DYNAMIC
20 ALIGNMENTS.

21 (b) INSTRUCTING THE SUBSCRIBER IN THE USE OF THE DEVICE, INCLUDING
22 ALL MATERIALS AND COMPONENTS THAT ARE NECESSARY TO USE THE DEVICE.

23 3. THE REPAIR OR REPLACEMENT OF A PROSTHETIC DEVICE OR ORTHOTIC
24 DEVICE THAT THE TREATING PHYSICIAN DETERMINES IS MEDICALLY NECESSARY TO
25 RESTORE AND MAINTAIN THE SUBSCRIBER'S ABILITY TO COMPLETE ACTIVITIES OF
26 DAILY LIVING OR ESSENTIAL JOB-RELATED ACTIVITIES AND THAT IS NOT SOLELY
27 FOR COMFORT OR CONVENIENCE.

28 C. THE CONTRACT SHALL PROVIDE REIMBURSEMENT RATES THAT ARE AT LEAST
29 EQUIVALENT TO THOSE CURRENTLY PROVIDED UNDER TITLE XVIII OF THE SOCIAL
30 SECURITY ACT AND RULES ADOPTED PURSUANT TO THAT TITLE AND THAT ARE
31 COMPARABLE TO REIMBURSEMENT UNDER THE CONTRACT FOR RESTORATIVE INTERNAL
32 DEVICES.

33 D. A CORPORATION MAY NOT IMPOSE DEDUCTIBLES, COPAYMENTS,
34 COINSURANCE, BENEFIT MAXIMUMS, WAITING PERIODS OR OTHER LIMITATIONS ON
35 COVERAGE, INCLUDING IN-NETWORK AND OUT-OF-NETWORK COVERAGE, ANNUAL
36 COVERAGE MAXIMUMS OR LIFETIME COVERAGE MAXIMUMS, FOR PROSTHETIC DEVICES OR
37 ORTHOTIC DEVICES THAT ARE DIFFERENT FROM THOSE IMPOSED ON BENEFITS OR
38 SERVICES NOT RELATED TO PROSTHETIC DEVICES OR ORTHOTIC DEVICES.

39 E. THIS SECTION DOES NOT APPLY TO LIMITED BENEFIT COVERAGE AS
40 DEFINED IN SECTION 20-1137.

41 F. FOR THE PURPOSES OF THIS SECTION:

42 1. "ORTHOTIC DEVICE" MEANS A RIGID OR SEMIRIGID DEVICE THAT
43 SUPPORTS A WEAK OR DEFORMED LEG, FOOT, ARM, HAND, BACK OR NECK OR THAT
44 RESTRICTS OR ELIMINATES MOTION IN A DISEASED OR INJURED LEG, FOOT, ARM,
45 HAND, BACK OR NECK.

1 F. FOR THE PURPOSES OF THIS SECTION:
2 1. "ORTHOTIC DEVICE" MEANS A RIGID OR SEMIRIGID DEVICE THAT
3 SUPPORTS A WEAK OR DEFORMED LEG, FOOT, ARM, HAND, BACK OR NECK OR THAT
4 RESTRICTS OR ELIMINATES MOTION IN A DISEASED OR INJURED LEG, FOOT, ARM,
5 HAND, BACK OR NECK.
6 2. "PROSTHETIC DEVICE" MEANS AN ARTIFICIAL LIMB DEVICE OR APPLIANCE
7 THAT IS DESIGNED TO REPLACE IN WHOLE OR IN PART AN ARM OR A LEG.
8 Sec. 3. Title 20, chapter 6, article 4, Arizona Revised Statutes,
9 is amended by adding section 20-1342.08, to read:
10 20-1342.08. Prosthetic and orthotic coverage; reimbursement
11 rates; definitions
12 A. A DISABILITY INSURANCE POLICY THAT IS ISSUED TO AN INSURED SHALL
13 PROVIDE COVERAGE FOR PROSTHETIC DEVICES AND ORTHOTIC DEVICES THAT IS AT
14 LEAST EQUIVALENT TO THE COVERAGE CURRENTLY PROVIDED UNDER TITLE XVIII OF
15 THE SOCIAL SECURITY ACT AND RULES ADOPTED PURSUANT TO THAT TITLE, AND THE
16 COVERAGE MAY NOT BE PROVIDED UNDER LESS FAVORABLE TERMS OR CONDITIONS THAN
17 ANY OTHER MEDICAL OR SURGICAL BENEFITS UNDER THE POLICY.
18 B. THE POLICY SHALL PROVIDE COVERAGE FOR:
19 1. THE MOST APPROPRIATE DEVICE THAT THE TREATING PHYSICIAN
20 DETERMINES IS MEDICALLY NECESSARY TO RESTORE FUNCTIONALITY AT OPTIMAL
21 LEVELS.
22 2. ALL SERVICES AND SUPPLIES THAT ARE NECESSARY FOR THE EFFECTIVE
23 USE OF A PROSTHETIC DEVICE OR ORTHOTIC DEVICE, INCLUDING BOTH:
24 (a) FORMULATING THE DEVICE'S DESIGN, FABRICATION, MATERIAL AND
25 COMPONENT SELECTION, MEASUREMENTS, FITTINGS AND STATIC AND DYNAMIC
26 ALIGNMENTS.
27 (b) INSTRUCTING THE INSURED IN THE USE OF THE DEVICE, INCLUDING ALL
28 MATERIALS AND COMPONENTS NECESSARY TO USE THE DEVICE.
29 3. THE REPAIR OR REPLACEMENT OF A PROSTHETIC DEVICE OR ORTHOTIC
30 DEVICE THAT THE TREATING PHYSICIAN DETERMINES IS MEDICALLY NECESSARY TO
31 RESTORE AND MAINTAIN THE INSURED'S ABILITY TO COMPLETE ACTIVITIES OF DAILY
32 LIVING OR ESSENTIAL JOB-RELATED ACTIVITIES AND THAT IS NOT SOLELY FOR
33 COMFORT OR CONVENIENCE.
34 C. THE DISABILITY INSURANCE POLICY SHALL PROVIDE REIMBURSEMENT
35 RATES THAT ARE AT LEAST EQUIVALENT TO THOSE CURRENTLY PROVIDED UNDER TITLE
36 XVIII OF THE SOCIAL SECURITY ACT AND RULES ADOPTED PURSUANT TO THAT TITLE
37 AND THAT ARE COMPARABLE TO REIMBURSEMENT UNDER THE POLICY FOR RESTORATIVE
38 INTERNAL DEVICES.
39 D. A DISABILITY INSURER MAY NOT IMPOSE DEDUCTIBLES, COPAYMENTS,
40 COINSURANCE, BENEFIT MAXIMUMS, WAITING PERIODS OR OTHER LIMITATIONS ON
41 COVERAGE, INCLUDING IN-NETWORK AND OUT-OF-NETWORK COVERAGE, ANNUAL
42 COVERAGE MAXIMUMS OR LIFETIME COVERAGE MAXIMUMS, FOR PROSTHETIC DEVICES OR
43 ORTHOTIC DEVICES THAT ARE DIFFERENT FROM THOSE IMPOSED ON BENEFITS OR
44 SERVICES NOT RELATED TO PROSTHETIC DEVICES OR ORTHOTIC DEVICES.

1 E. THIS SECTION DOES NOT APPLY TO LIMITED BENEFIT COVERAGE AS
2 DEFINED IN SECTION 20-1137.

3 F. FOR THE PURPOSES OF THIS SECTION:

4 1. "ORTHOTIC DEVICE" MEANS A RIGID OR SEMIRIGID DEVICE THAT
5 SUPPORTS A WEAK OR DEFORMED LEG, FOOT, ARM, HAND, BACK OR NECK OR THAT
6 RESTRICTS OR ELIMINATES MOTION IN A DISEASED OR INJURED LEG, FOOT, ARM,
7 HAND, BACK OR NECK.

8 2. "PROSTHETIC DEVICE" MEANS AN ARTIFICIAL LIMB DEVICE OR APPLIANCE
9 THAT IS DESIGNED TO REPLACE IN WHOLE OR IN PART AN ARM OR A LEG.

10 Sec. 4. Title 20, chapter 6, article 5, Arizona Revised Statutes,
11 is amended by adding section 20-1406.10, to read:

12 20-1406.10. Prosthetic and orthotic coverage; reimbursement
13 rates; definitions

14 A. A GROUP OR BLANKET DISABILITY INSURANCE POLICY THAT IS ISSUED TO
15 AN INSURED SHALL PROVIDE COVERAGE FOR PROSTHETIC DEVICES AND ORTHOTIC
16 DEVICES THAT IS AT LEAST EQUIVALENT TO THE COVERAGE CURRENTLY PROVIDED
17 UNDER TITLE XVIII OF THE SOCIAL SECURITY ACT AND RULES ADOPTED PURSUANT TO
18 THAT TITLE, AND THE COVERAGE MAY NOT BE PROVIDED UNDER LESS FAVORABLE
19 TERMS OR CONDITIONS THAN ANY OTHER MEDICAL OR SURGICAL BENEFITS UNDER THE
20 POLICY.

21 B. THE POLICY SHALL PROVIDE COVERAGE FOR:

22 1. THE MOST APPROPRIATE DEVICE THAT THE TREATING PHYSICIAN
23 DETERMINES IS MEDICALLY NECESSARY TO RESTORE FUNCTIONALITY AT OPTIMAL
24 LEVELS.

25 2. ALL SERVICES AND SUPPLIES THAT ARE NECESSARY FOR THE EFFECTIVE
26 USE OF A PROSTHETIC DEVICE OR ORTHOTIC DEVICE, INCLUDING BOTH:

27 (a) FORMULATING THE DEVICE'S DESIGN, FABRICATION, MATERIAL AND
28 COMPONENT SELECTION, MEASUREMENTS, FITTINGS AND STATIC AND DYNAMIC
29 ALIGNMENTS.

30 (b) INSTRUCTING THE INSURED IN THE USE OF THE DEVICE, INCLUDING ALL
31 MATERIALS AND COMPONENTS NECESSARY TO USE THE DEVICE.

32 3. THE REPAIR OR REPLACEMENT OF A PROSTHETIC DEVICE OR ORTHOTIC
33 DEVICE THAT THE TREATING PHYSICIAN DETERMINES IS MEDICALLY NECESSARY TO
34 RESTORE AND MAINTAIN THE INSURED'S ABILITY TO COMPLETE ACTIVITIES OF DAILY
35 LIVING OR ESSENTIAL JOB-RELATED ACTIVITIES AND THAT IS NOT SOLELY FOR
36 COMFORT OR CONVENIENCE.

37 C. THE GROUP OR BLANKET DISABILITY INSURANCE POLICY SHALL PROVIDE
38 REIMBURSEMENT RATES THAT ARE AT LEAST EQUIVALENT TO THOSE CURRENTLY
39 PROVIDED UNDER TITLE XVIII OF THE SOCIAL SECURITY ACT AND RULES ADOPTED
40 PURSUANT TO THAT TITLE AND THAT ARE COMPARABLE TO REIMBURSEMENT UNDER THE
41 POLICY FOR RESTORATIVE INTERNAL DEVICES.

42 D. A GROUP OR BLANKET DISABILITY INSURER MAY NOT IMPOSE
43 DEDUCTIBLES, COPAYMENTS, COINSURANCE, BENEFIT MAXIMUMS, WAITING PERIODS OR
44 OTHER LIMITATIONS ON COVERAGE, INCLUDING IN-NETWORK AND OUT-OF-NETWORK
45 COVERAGE, ANNUAL COVERAGE MAXIMUMS OR LIFETIME COVERAGE MAXIMUMS, FOR

1 PROSTHETIC DEVICES OR ORTHOTIC DEVICES THAT ARE DIFFERENT FROM THOSE
2 IMPOSED ON BENEFITS OR SERVICES NOT RELATED TO PROSTHETIC DEVICES OR
3 ORTHOTIC DEVICES.

4 E. THIS SECTION DOES NOT APPLY TO LIMITED BENEFIT COVERAGE AS
5 DEFINED IN SECTION 20-1137.

6 F. FOR THE PURPOSES OF THIS SECTION:

7 1. "ORTHOTIC DEVICE" MEANS A RIGID OR SEMIRIGID DEVICE THAT
8 SUPPORTS A WEAK OR DEFORMED LEG, FOOT, ARM, HAND, BACK OR NECK OR THAT
9 RESTRICTS OR ELIMINATES MOTION IN A DISEASED OR INJURED LEG, FOOT, ARM,
10 HAND, BACK OR NECK.

11 2. "PROSTHETIC DEVICE" MEANS AN ARTIFICIAL LIMB DEVICE OR APPLIANCE
12 THAT IS DESIGNED TO REPLACE IN WHOLE OR IN PART AN ARM OR A LEG.