

Regular Session, 2008

HOUSE BILL NO. 318

BY REPRESENTATIVES KLECKLEY, ARNOLD, AUSTIN BADON, BOBBY BADON, BARROW, BILLIOT, BURRELL, CARMODY, DANAHAY, EDWARDS, FRANKLIN, GALLOT, GEYMANN, HAZEL, HENDERSON, HINES, HONEY, MICHAEL JACKSON, JOHNSON, SAM JONES, LAFONTA, LEBAS, LEGER, MARCHAND, MONTOUCET, MORRELL, MORRIS, NORTON, PERRY, PETERSON, RICHMOND, ROY, SIMON, PATRICIA SMITH, ST. GERMAIN, TALBOT, WILLIAMS, AND WILLMOTT AND SENATOR ERDEY

1 AN ACT

2 To enact R.S. 22:215.26, relative to health insurance; to require health insurance policies,
3 contracts, and plans, including health maintenance contracts and agreements, to
4 provide coverage of prosthetic devices and prosthetic services; and to provide for
5 related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 22:215.26 is hereby enacted to read as follows:

8 §215.26. Requirement for coverage of prosthetic devices and prosthetic services

9 A. Notwithstanding the provisions of R.S. 22:230.5 to the contrary, any
10 health coverage plan specified in Subsection H of this Section which is issued for
11 delivery, delivered, renewed, or otherwise contracted for in this state on or after
12 January 1, 2009, shall provide coverage of prosthetic devices and prosthetic services
13 as further provided in this Section.

14 B. Eligibility and limits of coverage for prosthetic devices and prosthetic
15 services shall be determined by the health coverage plan, based on medical necessity.
16 Any denial or limit of coverage based on lack of medical necessity may be appealed
17 in accordance with R.S. 22:3070 et seq. Such medical necessity determination shall
18 consider information and recommendation from the treating physician in
19 consultation with the insured, including the results of a functional limit test. Such
20 test shall consider but not be limited to the following factors:

1 (1) The insured's past history, including prior use of prosthetic devices if
2 applicable.

3 (2) The insured's current condition, including the status of the residual limb
4 and the nature of other medical problems.

5 (3) The insured's desire to ambulate, with respect to lower limb prosthetic
6 devices, or maximize upper limb function, with respect to upper limb prosthetic
7 devices.

8 C. A health coverage plan may require prior authorization for prosthetic
9 devices and prosthetic services in the same manner that prior authorization is
10 required for any other covered benefit.

11 D. A health coverage plan may impose co-payments, deductibles, or
12 coinsurance amounts on prosthetic devices and prosthetic services. The co-payments
13 shall not be greater than the co-payments that apply to other benefits under the plan.
14 The repair and replacement of prosthetic devices also shall be covered subject to co-
15 payments, coinsurance, and deductibles that are no more restrictive than the co-
16 payments, coinsurance, and deductibles that apply to other benefits under the plan,
17 unless necessitated by misuse or loss.

18 E. A health coverage plan shall include a requirement that prosthetic devices
19 be provided by an accredited facility and a requirement that prosthetic services be
20 prescribed by a licensed physician and provided by an accredited facility.

21 F. Coverage of prosthetic devices and prosthetic services may be made
22 subject to but no more restrictive than the provisions of a health coverage plan that
23 apply to other benefits under the plan.

24 G.(1) A health coverage plan may apply an annual limit of benefits payable
25 under this Section of no less than fifty thousand dollars per limb.

26 (2) This Subsection does not prohibit a health benefit plan from providing
27 coverage that is greater or more favorable to an insured than the requirements of this
28 Subsection.

29 (3) An insured may choose a prosthetic device that is priced higher than the
30 benefit payable under the health benefit plan and may pay the difference between the

1 price of the device and the benefit payable, without financial or contractual penalty
 2 to the provider of the device.

3 H. As used in the Section:

4 (1) "Accredited facility" means any entity that is accredited by the American
 5 Board for Certification in Orthotics Prosthetics and Pedorthics (ABC) or by the
 6 Board for Orthotist/Prosthetist Certification (BOC) and that provides prosthetic
 7 devices or prosthetic services.

8 (2) "Health coverage plan" shall mean any hospital, health, or medical
 9 expense insurance policy, hospital or medical service contract, employee welfare
 10 benefit plan, contract or agreement with a health maintenance organization or a
 11 preferred provider organization, health and accident insurance policy, or any other
 12 insurance contract of this type, including a group insurance plan and the Office of
 13 Group Benefits programs.

14 (3) "Prosthetic device" or "prosthesis" means an artificial limb designed to
 15 maximize function, stability, and safety of the patient. Prosthetic device or
 16 prosthesis also means an artificial medical device that is not surgically implanted and
 17 that is used to replace a missing limb. The term does not include artificial eyes, ears,
 18 noses, dental appliances, ostomy products, or devices such as eyelashes or wigs.

19 (4) "Prosthetic services" means the science and practice of evaluating,
 20 measuring, designing, fabricating, assembling, fitting, aligning, adjusting, or
 21 servicing of a prosthesis through the replacement of external parts of a human body
 22 lost due to amputation or congenital deformities to restore function, cosmesis, or
 23 both. It shall also include any medically necessary clinical care.

24 I. The provisions of this Section shall not apply to individually underwritten,
 25 guaranteed renewable limited benefit health insurance policies.

26 Section 2. This Act shall become effective upon signature by the governor or, if not
 27 signed by the governor, upon expiration of the time for bills to become law without signature
 28 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

1 vetoed by the governor and subsequently approved by the legislature, this Act shall become
2 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____