

A-Engrossed
Senate Bill 797

Ordered by the Senate March 15
Including Senate Amendments dated March 15

Sponsored by Senator GELSER BLOUIN, Representative REYNOLDS

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Requires coverage under health insurance policy for prosthetic and orthotic devices.

A BILL FOR AN ACT

1
2 Relating to medical devices.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. Section 2 of this 2023 Act is added to and made a part of the Insurance Code.**

5 **SECTION 2. (1) As used in this section:**

6 (a) **"Orthotic device" means a rigid or semirigid device supporting a weak or deformed**
7 **leg, foot, arm, hand, back or neck, or restricting or eliminating motion in a diseased or in-**
8 **jured leg, foot, arm, hand, back or neck.**

9 (b) **"Prosthetic device" means an artificial limb device or appliance designed to replace**
10 **in whole or in part an arm or a leg.**

11 (2) **All individual and group health insurance policies providing coverage for the expenses**
12 **of hospital, medical or surgical services or supplies shall provide coverage for prosthetic and**
13 **orthotic devices that are medically necessary to restore or maintain the ability to complete**
14 **activities of daily living or essential job-related activities and that are not solely for comfort**
15 **or convenience. The coverage required by this subsection includes all services and supplies**
16 **medically necessary for the effective use of a prosthetic or orthotic device, including design**
17 **formulation, fabrication, material and component selection, measurements, fittings, static**
18 **and dynamic alignments and patient instruction in the use of the device.**

19 (3) **The Director of the Department of Consumer and Business Services shall adopt and**
20 **annually update rules listing the prosthetic and orthotic devices covered under this section.**
21 **The list shall be no more restrictive than the list of prosthetic and orthotic devices and**
22 **supplies in the Medicare fee schedule for Durable Medical Equipment, Prosthetics, Orthotics**
23 **and Supplies, but only to the extent consistent with this section.**

24 (4) **The coverage required by subsection (2) of this section may be made subject to, and**
25 **no more restrictive than, the provisions of a health insurance policy that apply to other**
26 **benefits under the policy.**

27 (5) **The coverage required by subsection (2) of this section shall include any repair or**
28 **replacement of a prosthetic or orthotic device that is determined medically necessary to re-**
29 **store or maintain the ability to complete activities of daily living or essential job-related ac-**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 **tivities and that is not solely for comfort or convenience.**

2 **(6) If the coverage under subsection (2) of this section is provided through a managed**
3 **care organization, the insured shall have access to medically necessary clinical care and to**
4 **prosthetic and orthotic devices and technology from not fewer than two distinct Oregon**
5 **prosthetic and orthotic providers in the managed care organization's provider network.**

6 **(7) This section is exempt from ORS 743A.001.**

7 **SECTION 3. Section 2 of this 2023 Act applies to policies or certificates of health insur-**
8 **ance issued, renewed or extended on or after the effective date of this 2023 Act.**

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