

Senate Bill 797

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 **as introduced**.

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

A BILL FOR AN ACT

1 Relating to medical devices.

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

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

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

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

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

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

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

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

26 (5) **The coverage required by subsection (2) of this section shall include any repair or**
27 **replacement of a prosthetic or orthotic device that is determined medically necessary to re-**
28 **store or maintain the ability to complete activities of daily living or essential job-related ac-**
29 **tivities and that is not solely for comfort or convenience.**

30 (6) **If the coverage under subsection (2) of this section is provided through a managed**
31 **care organization, the insured shall have access to medically necessary clinical care and to**
32

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 **prosthetic and orthotic devices and technology from not fewer than two distinct Oregon**
2 **prosthetic and orthotic providers in the managed care organization's provider network.**

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

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

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