

SENATE BILL NO. 2272

Introduced by

Senators O'Connell, Fischer, Hogue

Representatives Kempenich, L. Meier, Onstad

1 A BILL for an Act to create and enact a new section to chapter 26.1-36 and a new section to
2 chapter 54-52.1 of the North Dakota Century Code, relating to parity for health insurance
3 coverage of prosthetics; and to provide an appropriation.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1.** A new section to chapter 26.1-36 of the North Dakota Century Code is
6 created and enacted as follows:

7 **Health insurance policy and health service contract - Prosthetics coverage.**

- 8 1. As used in this section, "prosthetics" means artificial legs, arms, or eyes. The term
9 includes prosthetic replacements if required because of a change in the covered
10 individual's physical condition, as set forth under title 42, United States Code,
11 section 1395x(s)(9).
- 12 2. An insurance company, nonprofit health service corporation, or health maintenance
13 organization may not deliver, issue, execute, or renew any health insurance policy,
14 health service contract, or evidence of coverage on an individual, group, blanket,
15 franchise, or association basis unless the policy, contract, or evidence of coverage
16 provides coverage for prosthetics which at a minimum equals the coverage
17 provided for under the federal medicare program under title 42, United States
18 Code, sections 1395k, 1395l, and 1395m, and title 42, Code of Federal
19 Regulations, sections 414.202, 414.210, 414.228, and 410.100, as applicable to
20 this section.
- 21 3. The coverage required under this section:
- 22 a. May require prior authorization for prosthetics in the same manner that prior
23 authorization is required for any other covered benefit.

- 1 b. May impose copayment and coinsurance amounts on prosthetics, not to
2 exceed the copayment and coinsurance amounts imposed under part B of the
3 federal medicare fee-for-service program, under title 42, United States Code,
4 chapter 7, subchapter XVIII, part B.
- 5 c. Must reimburse for covered prosthetics at a rate that is no less than the fee
6 schedule amount for such prosthetics under the federal medicare
7 reimbursement schedule, under title 42, United States Code, chapter 7,
8 subchapter XVIII.
- 9 d. May not impose any annual or lifetime dollar maximum on coverage for
10 prosthetics other than an annual or lifetime dollar maximum that applies in the
11 aggregate to all terms and services covered under the policy, contract, or
12 evidence of coverage.
- 13 e. Must provide for repair or replacement of prosthetics if repair or replacement
14 is determined appropriate by the covered individual's treating physician.
- 15 f. Must provide for the most appropriate prosthetic model that adequately meets
16 the medical needs of the covered individual as determined by the covered
17 individual's treating physician.

18 **SECTION 2.** A new section to chapter 54-52.1 of the North Dakota Century Code is
19 created and enacted as follows:

20 **Insurance to cover prosthetics.** The board shall provide medical benefits coverage
21 under a contract for insurance pursuant to section 54-52.1-04 or under a self-insurance plan
22 pursuant to section 54-52.1-04.2 for prosthetics in the same manner as provided for under
23 section 1 of this Act.

24 **SECTION 3. APPROPRIATION.** The funds provided in this section, or so much of the
25 funds as may be necessary, are appropriated out of any moneys in the general fund in the state
26 treasury, not otherwise appropriated, and from other funds derived from federal funds and other
27 income, to the following agencies for the purpose of defraying the cost of additional health
28 insurance premiums necessary to provide the coverage under section 2 of this Act, for the
29 biennium beginning July 1, 2009, and ending June 30, 2011, as follows:

30 <u>Agency</u>	<u>General Fund</u>	<u>Special Funds</u>	<u>Total</u>
------------------	---------------------	----------------------	--------------

Sixty-first
Legislative Assembly

1	Governor	\$389		\$389
2	Secretary of state	559	\$24	583
3	Office of management and budget	2,303	559	2,862
4	Information technology department	423	6,320	6,743
5	State auditor	822	362	1,184
6	State treasurer	130		130
7	Attorney general	3,255	662	3,917
8	Tax commissioner	2,873		2,873
9	Office of administrative hearings		173	173
10	Legislative assembly	2,700		2,700
11	Legislative council	713		713
12	Judicial branch	7,281	191	7,409
13	Commission on legal counsel	626		626
14	for indigents			
15	Retirement and investment office		367	367
16	Public employees retirement system		713	713
17	Department of public instruction	636	1,487	2,123
18	Land department		405	405
19	State library	555	88	643
20	School for the deaf	995	51	1,046
21	North Dakota vision services -	448	135	583
22	School for the blind			
23	Department of career and	551	43	594
24	technical education			
25	State department of health	2,203	4,957	7,160
26	Veterans' home	587	1,378	1,965
27	Indian affairs commission	86		86
28	Department of veterans' affairs	130		130
29	Department of human services	28,432	16,619	45,051
30	Protection and advocacy project	117	477	594
31	Job service North Dakota	30	6,623	6,653

Sixty-first
Legislative Assembly

1	Insurance commissioner		1,004	1,004
2	Industrial commission	1,072	124	1,196
3	Labor commissioner	170	68	238
4	Public service commission	597	310	907
5	Aeronautics commission		130	130
6	Department of financial		583	583
7	institutions			
8	Securities department	194		194
9	Bank of North Dakota		3,812	3,812
10	Housing finance agency		929	929
11	Mill and elevator association		2,830	2,830
12	Workforce safety and insurance		4,820	4,820
13	Highway patrol	2,809	1,447	4,256
14	Department of corrections and	14,423	844	15,267
15	rehabilitation			
16	Adjutant general	1,754	3,257	5,011
17	Department of commerce	1,154	423	1,577
18	Agriculture commissioner	769	679	1,448
19	State seed department		648	648
20	Upper great plains	101	837	938
21	transportation institute			
22	Branch research centers	1,516	542	2,058
23	NDSU extension service	3,173	2,396	5,569
24	Northern crops institute	136	106	242
25	Main research center	5,137	2,382	7,519
26	Agronomy seed farm		65	65
27	Racing commission	7	36	43
28	State historical society	1,152	144	1,296
29	Council on the arts	108		108
30	Game and fish department		3,348	3,348
31	Parks and recreation	1,036	55	1,091

Sixty-first
Legislative Assembly

1	department			
2	State water commission	1,648	166	1,814
3	Department of transportation	<u> </u>	<u>22,734</u>	<u>22,734</u>
4	Total	\$93,737	\$96,353	\$190,090