

Sixty-first
Legislative Assembly
of North Dakota

ENGROSSED 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 54-52.1 of the North Dakota
2 Century Code, relating to parity for public employees retirement system health insurance
3 coverage of prosthetics; to require a report regarding coverage of prosthetics; to provide an
4 appropriation; and to provide an expiration date.

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

6 **SECTION 1.** A new section to chapter 54-52.1 of the North Dakota Century Code is
7 created and enacted as follows:

8 **Insurance to cover prosthetics.**

- 9 1. As used in this section, "prosthetics" means artificial legs, arms, or eyes. The term
10 includes prosthetic replacements if required because of a change in the covered
11 individual's physical condition, as set forth under title 42, United States Code,
12 section 1395x(s)(9).
- 13 2. For all contracts or plans for health insurance which become effective after
14 June 30, 2009, and which do not extend past June 30, 2011, the board shall
15 provide medical benefits coverage under a contract for insurance pursuant to
16 section 54-52.1-04 or under a self-insurance plan pursuant to section 54-52.1-04.2
17 which provides coverage for prosthetics which at a minimum equals the coverage
18 provided for under the federal medicare program under title 42, United States
19 Code, sections 1395k, 1395l, and 1395m, and title 42, Code of Federal
20 Regulations, sections 414.202, 414.210, 414.228, and 410.100, as applicable to
21 this section.
- 22 3. The coverage required under this section:
- 23 a. May require prior authorization for prosthetics in the same manner that prior
24 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 lifetime dollar maximum on coverage for prosthetics
10 other than a lifetime dollar maximum that applies in the aggregate to all terms
11 and services covered under the policy, contract, or evidence of coverage.

12 **SECTION 2. PUBLIC EMPLOYEES RETIREMENT SYSTEM - COVERAGE OF**

13 **PROSTHETICS.** Pursuant to section 54-03-28, the public employees retirement system shall
14 prepare and submit for introduction a bill to the sixty-second legislative assembly to repeal the
15 expiration date for section 1 of this Act and to extend the prosthetics coverage to apply to all
16 group and individual health insurance policies. The public employees retirement system shall
17 append to the bill a report regarding the effect of the prosthetics coverage requirement on the
18 system's health insurance programs, information on the utilization and costs relating to the
19 coverage, and a recommendation regarding whether the coverage should continue.

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

26 <u>Agency</u>	<u>General Fund</u>	<u>Special Funds</u>	<u>Total</u>
27 Governor	\$389		\$389
28 Secretary of state	559	\$24	583
29 Office of management and budget	2,303	559	2,862
30 Information technology department	423	6,320	6,743
31 State auditor	822	362	1,184

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1	State treasurer	130		130
2	Attorney general	3,255	662	3,917
3	Tax commissioner	2,873		2,873
4	Office of administrative hearings		173	173
5	Legislative assembly	2,700		2,700
6	Legislative council	713		713
7	Judicial branch	7,281	191	7,409
8	Commission on legal counsel	626		626
9	for indigents			
10	Retirement and investment office		367	367
11	Public employees retirement system		713	713
12	Department of public instruction	636	1,487	2,123
13	Land department		405	405
14	State library	555	88	643
15	School for the deaf	995	51	1,046
16	North Dakota vision services -	448	135	583
17	School for the blind			
18	Department of career and	551	43	594
19	technical education			
20	State department of health	2,203	4,957	7,160
21	Veterans' home	587	1,378	1,965
22	Indian affairs commission	86		86
23	Department of veterans' affairs	130		130
24	Department of human services	28,432	16,619	45,051
25	Protection and advocacy project	117	477	594
26	Job service North Dakota	30	6,623	6,653
27	Insurance commissioner		1,004	1,004
28	Industrial commission	1,072	124	1,196
29	Labor commissioner	170	68	238
30	Public service commission	597	310	907

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1	Aeronautics commission		130	130
2	Department of financial		583	583
3	institutions			
4	Securities department	194		194
5	Bank of North Dakota		3,812	3,812
6	Housing finance agency		929	929
7	Mill and elevator association		2,830	2,830
8	Workforce safety and insurance		4,820	4,820
9	Highway patrol	2,809	1,447	4,256
10	Department of corrections and	14,423	844	15,267
11	rehabilitation			
12	Adjutant general	1,754	3,257	5,011
13	Department of commerce	1,154	423	1,577
14	Agriculture commissioner	769	679	1,448
15	State seed department		648	648
16	Upper great plains	101	837	938
17	transportation institute			
18	Branch research centers	1,516	542	2,058
19	NDSU extension service	3,173	2,396	5,569
20	Northern crops institute	136	106	242
21	Main research center	5,137	2,382	7,519
22	Agronomy seed farm		65	65
23	Racing commission	7	36	43
24	State historical society	1,152	144	1,296
25	Council on the arts	108		108
26	Game and fish department		3,348	3,348
27	Parks and recreation	1,036	55	1,091
28	department			
29	State water commission	1,648	166	1,814
30	Department of transportation		<u>22,734</u>	<u>22,734</u>
31	Total	\$93,737	\$96,353	\$190,090

1 **SECTION 4. EXPIRATION DATE.** Section 1 of this Act is effective through July 31,
2 2011, and after that date is ineffective.