

Sixty-first
Legislative Assembly
of North Dakota

REENGROSSED 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	\$121		\$121
28 Secretary of state	182	\$6	188
29 Office of management and budget	732	165	897
30 Information technology department	328	1,891	2,219
31 State auditor	262	86	348

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1	State treasurer	47		47
2	Attorney general	1,067	267	1,334
3	Tax commissioner	894		894
4	Office of administrative hearings		54	54
5	Legislative assembly	840		840
6	Legislative council	222		222
7	Judicial branch	2,328	17	2,345
8	Commission on legal counsel	195	27	222
9	for indigents			
10	Retirement and investment office		114	114
11	Public employees retirement system		222	222
12	Department of public instruction	213	457	670
13	Land department		146	146
14	State library	176	24	200
15	School for the deaf	280	15	295
16	North Dakota vision services -	165	23	188
17	School for the blind			
18	Department of career and	179	13	192
19	technical education			
20	State department of health	902	1,407	2,309
21	Veterans' home	509	302	811
22	Indian affairs commission	27		27
23	Department of veterans' affairs	47		47
24	Department of human services	9,156	5,879	15,035
25	Protection and advocacy project	192		192
26	Job service North Dakota	9	1,899	1,908
27	Insurance commissioner		312	312
28	Industrial commission	347	57	404
29	Labor commissioner	74	7	81
30	Public service commission	194	101	295

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1	Aeronautics commission		40	40
2	Department of financial		195	195
3	institutions			
4	Securities department	60		60
5	Bank of North Dakota		1,152	1,152
6	Housing finance agency		316	316
7	Mill and elevator association		880	880
8	Workforce safety and insurance		1,594	1,594
9	Highway patrol	1,044	273	1,317
10	Department of corrections and	4,732	263	4,995
11	rehabilitation			
12	Adjutant general	538	1,021	1,559
13	Department of commerce	347	110	457
14	Agriculture commissioner	250	223	473
15	State seed department		202	202
16	Upper great plains	27	335	362
17	transportation institute			
18	Branch research centers	478	164	642
19	NDSU extension service	1,007	790	1,797
20	Northern crops institute	51	24	75
21	Main research center	1,653	722	2,375
22	Agronomy seed farm		20	20
23	Racing commission	13		13
24	State historical society	371	46	417
25	Council on the arts	34		34
26	Game and fish department		1,055	1,055
27	Parks and recreation	352	4	356
28	department			
29	State water commission	494	84	578
30	Department of transportation		7,086	7,086
31	Bismarck state college	1,089		1,089

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1	Lake region state college	323		323
2	Williston state college	343		343
3	University of North Dakota	4,451		4,451
4	University of North Dakota school	827		827
5	of medicine and health sciences			
6	North Dakota state university	3,843		3,843
7	State college of science	1,164		1,164
8	Dickinson state university	898		898
9	Mayville state university	400		400
10	Minot state university	1,302		1,302
11	Valley City state university	626		626
12	Minot state university - Bottineau	242		242
13	North Dakota university system office	805	173	978
14	North Dakota forest service	<u>134</u>	<u> </u>	<u>134</u>
15	Total	\$47,586	\$30,263	\$77,849

16 **SECTION 4. EXPIRATION DATE.** Section 1 of this Act is effective through July 31,
17 2011, and after that date is ineffective.