# HOUSE . . . . . . . . . . . . No. 4096

### The Commonwealth of Massachusetts

PRESENTED BY:

#### Mathew J. Muratore

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to improve outcomes for persons with limb loss and limb difference.

#### PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Mathew J. Muratore	1st Plymouth	7/24/2023
Hannah Kane	11th Worcester	7/25/2023
Kathleen R. LaNatra	12th Plymouth	7/25/2023
Norman J. Orrall	12th Bristol	7/25/2023
Kimberly N. Ferguson	1st Worcester	7/26/2023
David F. DeCoste	5th Plymouth	7/26/2023
Lindsay N. Sabadosa	1st Hampshire	7/26/2023
Michelle L. Ciccolo	15th Middlesex	7/26/2023
Marcus S. Vaughn	9th Norfolk	7/26/2023
Patrick M. O'Connor	First Plymouth and Norfolk	7/26/2023
Christopher Hendricks	11th Bristol	7/26/2023
Joseph D. McKenna	18th Worcester	7/31/2023
Patrick Joseph Kearney	4th Plymouth	8/16/2023
David T. Vieira	3rd Barnstable	10/11/2023
Jacob R. Oliveira	Hampden, Hampshire and Worcester	1/8/2024
Ruth B. Balser	12th Middlesex	1/8/2024
Tommy Vitolo	15th Norfolk	1/24/2024
Kay Khan	11th Middlesex	1/24/2024

Joanne M. Comerford	Hampshire, Franklin and Worcester	1/24/2024
Samantha Montaño	15th Suffolk	1/24/2024

## **HOUSE . . . . . . . . . . . . . . . No. 4096**

By Representative Muratore of Plymouth, a petition (subject to Joint Rule 12) of Mathew J. Muratore and others for legislation to authorize insurance coverage for prosthetic devices and orthotic devices. Financial Services.

### The Commonwealth of Alassachusetts

In the One Hundred and Ninety-Third General Court (2023-2024)

An Act to improve outcomes for persons with limb loss and limb difference.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

- 1 SECTION 1. Section 17I of chapter 32A of the General Laws, as so appearing in the
- 2 2022 Official Edition, is hereby amended by striking out subsection (b) and inserting in place
- 3 thereof the following subsection:-
- 4 (b) For the purposes of this section the following words shall, unless the context clearly
- 5 requires otherwise, have the following meanings:
- 6 "Orthosis", a device: (i) used to support, align, correct or prevent deformities of the body,
- 7 which may be used to eliminate, control or assist motion at a joint or body part; and (ii)
- 8 appropriately used in a person's home or any setting in which normal life activities take place in
- 9 the community.
- 10 "Prosthetic device", an artificial limb device to replace, in whole or in part, an arm or leg
- including a device that is designed exclusively for athletic purposes.

SECTION 2. Said section 17I of said chapter 32A, as so appearing, is hereby further amended by adding the following subsection:-

- (g) The commission shall provide coverage for prosthetic devices and orthotic devices, including those designed, custom-built or fitted for a specific enrollee, for the performance of physical activities or for an athletic purpose, as applicable, to maximize the enrollee's ability to ambulate, run, bike and swim and to maximize upper limb function. The coverage required pursuant to this subsection shall include the repair or replacement of a prosthetic or orthotic device for the performance of physical activities or for an athletic purpose.
- 20 SECTION 3. Chapter 118E of the General Laws, as so appearing, is hereby amended by 21 inserting after section 10Q the following section:-
  - 10R. (a) For the purposes of this section the following words shall, unless the context clearly requires otherwise, have the following meanings:
  - "Orthotic device", a device: (i) used to support, align, correct or prevent deformities of the body, which may be used to eliminate, control or assist motion at a joint or body part; and (ii) appropriately used in a person's home or any setting in which normal life activities take place in the community.
- 28 "Prosthetic device", an artificial limb device to replace, in whole or in part, an arm or leg 29 including a device that is designed exclusively for athletic purposes.
  - (b) The division shall provide coverage for prosthetic and orthotic devices including the repair or replacement of prosthetic or orthotic devices to eligible MassHealth members under the

same terms and conditions that apply to other durable medical equipment. The coverage required by this section shall be subject to the terms and conditions applicable to other benefits.

(c) The division shall provide coverage for prosthetic devices and orthotic devices,

- including those designed, custom-built or fitted for a specific enrollee, for the performance of

  physical activities or for an athletic purpose, as applicable, to maximize the enrollee's

  ability to ambulate, run, bike and swim and to maximize upper limb function. The coverage

  required pursuant to this subsection shall include the repair or replacement of a prosthetic or

  orthotic device for the performance of physical activities or for an athletic purpose.
  - (d) Eligible MassHealth members shall be required to provide a written prescription signed by a licensed physician or an independent nurse practitioner. The prescription must be written on the prescriber's prescription form and must include the following information:
    - (i) the member's name and address;

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- (ii) the member's MassHealth identification number;
- 45 (iii) specific identification of the prescribed item;
- 46 (iv) medical justification for the use of the item, including the member's diagnosis;
- 47 (v) the prescriber's address and telephone number; and
- 48 (vi) the date on which the prescription was signed by the prescriber.
- SECTION 4. Section 47Z of chapter 175 of the General Laws, as so appearing, is hereby amended by striking out subsection (b) and inserting in place thereof the following subsection:-

- 51 (b) For the purposes of this section the following words shall, unless the context clearly
  52 requires otherwise, have the following meanings:
- "Orthosis", a device: (i) used to support, align, correct or prevent deformities of the body,
  which may be used to eliminate, control or assist motion at a joint or body part; and (ii)
  appropriately used in a person's home or any setting in which normal life activities take place in
  the community.
- "Prosthetic device", an artificial limb device to replace, in whole or in part, an arm or leg
  including a device that is designed exclusively for athletic purposes.
  - SECTION 5. Said section 47Z of said chapter 175, as so appearing, is hereby further amended by adding the following subsection:-

- (h) Any such policy shall provide coverage for prosthetic devices and orthoses, including those designed, custom-built or fitted for a specific enrollee, for the performance of physical activities or for an athletic purpose, as applicable, to maximize the enrollee's ability to ambulate, run, bike and swim and to maximize upper limb function. The coverage required pursuant to this subsection shall include the repair or replacement of a prosthetic or orthotic device for the performance of physical activities or for an athletic purpose.
- SECTION 6. Section 8AA of chapter 176A of the General Laws, as so appearing, is hereby amended by striking out subsection (b) and inserting in place thereof the following subsection:-
- (b) For the purposes of this section the following words shall, unless the context clearly requires otherwise, have the following meanings:

"Orthosis", a device: (i) used to support, align, correct or prevent deformities of the body, which may be used to eliminate, control or assist motion at a joint or body part; and (ii) appropriately used in a person's home or any setting in which normal life activities take place in the community.

"Prosthetic device", an artificial limb device to replace, in whole or in part, an arm or leg including a device that is designed exclusively for athletic purposes.

SECTION 7. Said section 8AA of said chapter 176A, as so appearing, is hereby further amended by adding the following subsection:-

(h) Any such contract shall be required to provide coverage for prosthetic devices and orthotic devices, including those designed, custom-built or fitted for a specific enrollee, for the performance of physical activities or for an athletic purpose, as applicable, to maximize the enrollee's ability to ambulate, run, bike and swim and to maximize upper limb function. The coverage required pursuant to this subsection shall include the repair or replacement of a prosthetic or orthotic device for the performance of physical activities or for an athletic purpose.

SECTION 8. Section 4AA of chapter 176B of the General Laws, as so appearing, is hereby amended by striking out subsection (b) and inserting in place thereof the following subsection:-

(b) For the purposes of this section the following words shall, unless the context clearly requires otherwise, have the following meanings:

"Orthosis", a device: (i) used to support, align, correct or prevent deformities of the body, which may be used to eliminate, control or assist motion at a joint or body part; and (ii)

appropriately used in a person's home or any setting in which normal life activities take place in the community.

"Prosthetic device", an artificial limb device to replace, in whole or in part, an arm or leg including a device that is designed exclusively for athletic purposes.

SECTION 9. Said section 4AA of said chapter 176B, as so appearing, is hereby further amended by adding the following subsection:-

(h) Any such certificate shall be required to provide coverage for prosthetic devices and orthotic devices, including those designed, custom-built or fitted for a specific enrollee, for the performance of physical activities or for an athletic purpose, as applicable, to maximize the enrollee's ability to ambulate, run, bike and swim and to maximize upper limb function. The coverage required pursuant to this subsection shall include the repair or replacement of a prosthetic or orthotic device for the performance of physical activities or for an athletic purpose.

SECTION 10. Section 4S of chapter 176G of the General Laws, as so appearing, is hereby amended by striking out subsection (b) and inserting in place thereof the following subsection:-

(b) For the purposes of this section the following words shall, unless the context clearly requires otherwise, have the following meanings:

"Orthosis", a device: (i) used to support, align, correct or prevent deformities of the body, which may be used to eliminate, control or assist motion at a joint or body part; and (ii) appropriately used in a person's home or any setting in which normal life activities take place in the community.

"Prosthetic device", an artificial limb device to replace, in whole or in part, an arm or leg including a device that is designed exclusively for athletic purposes.

SECTION 11. Said section 4S of said chapter 176G, as so appearing, is hereby further amended by adding the following subsection:-

(h) A health maintenance contract shall be required to provide coverage for prosthetic devices and orthotic devices, including those designed, custom-built or fitted for a specific enrollee, for the performance of physical activities or for an athletic purpose, as applicable, to maximize the enrollee's ability to ambulate, run, bike and swim and to maximize upper limb function. The coverage required pursuant to this subsection shall include the repair or replacement of a prosthetic or orthotic device for the performance of physical activities or for an athletic purpose.