

Sixty-first  
Legislative Assembly  
of North Dakota

## SENATE BILL NO.

Introduced by

Senator O'Connell

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.

### 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.