

CHAPTER 243

(Senate Bill 341)

AN ACT concerning

Prosthetic Parity Act

FOR the purpose of requiring certain insurers, nonprofit health service plans, and health maintenance organizations to provide certain coverage for prosthetic devices, components of prosthetic devices, and repairs to prosthetic devices; prohibiting certain benefits from being subject to a certain copayment or coinsurance requirement; prohibiting certain insurers, nonprofit health service plans, and health maintenance organizations from imposing a certain dollar maximum on certain coverage and from establishing certain requirements for medical necessity or appropriateness; repealing a certain requirement for certain health insurance contracts that is rendered inconsistent by this Act; making certain provisions of this Act applicable to health maintenance organizations; defining a certain term; providing for the application of this Act; and generally relating to health insurance coverage for prosthetic devices, components of prosthetic devices, and repairs to prosthetic devices.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 15–820
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

BY adding to
Article – Insurance
Section 15–844
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

BY adding to
Article – Health – General
Section 19–706(ttt)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Insurance

15-820.

(a) [(1)] In this section [the following words have the meanings indicated.

(2) “Orthopedic], “**ORTHOPEDIC** brace” means a rigid or semi-rigid device that is used to:

[(i)] **(1)** support a weak or deformed body member; or

[(ii)] **(2)** restrict or eliminate motion in a diseased or injured part of the body.

[(3) “Prosthetic device” means an artificial limb.]

(b) Each health insurance contract that is delivered or issued for delivery in the State by a nonprofit health service plan and that provides hospital benefits shall provide benefits for [prosthetic devices and] orthopedic braces.

15-844.

(A) IN THIS SECTION, “PROSTHETIC DEVICE” MEANS AN ARTIFICIAL DEVICE TO REPLACE, IN WHOLE OR IN PART, A LEG, AN ARM, OR AN EYE.

(B) THIS SECTION APPLIES TO:

(1) INSURERS AND NONPROFIT HEALTH SERVICE PLANS THAT PROVIDE HOSPITAL, MEDICAL, OR SURGICAL BENEFITS TO INDIVIDUALS OR GROUPS ON AN EXPENSE-INCURRED BASIS UNDER HEALTH INSURANCE POLICIES OR CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE; AND

(2) HEALTH MAINTENANCE ORGANIZATIONS THAT PROVIDE HOSPITAL, MEDICAL, OR SURGICAL BENEFITS TO INDIVIDUALS OR GROUPS UNDER CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE.

(C) AN ENTITY SUBJECT TO THIS SECTION SHALL PROVIDE COVERAGE FOR:

(1) PROSTHETIC DEVICES;

(2) COMPONENTS OF PROSTHETIC DEVICES; AND

(3) REPAIRS TO PROSTHETIC DEVICES.

(D) THE COVERED BENEFITS UNDER THIS SECTION MAY NOT BE SUBJECT TO A HIGHER COPAYMENT OR COINSURANCE REQUIREMENT THAN THE COPAYMENT OR COINSURANCE FOR PRIMARY CARE BENEFITS COVERED UNDER THE POLICY OR CONTRACT OF THE INSURED OR ENROLLEE.

(E) AN ENTITY SUBJECT TO THIS SECTION MAY NOT IMPOSE AN ANNUAL OR LIFETIME DOLLAR MAXIMUM ON COVERAGE REQUIRED UNDER THIS SECTION SEPARATE FROM ANY ANNUAL OR LIFETIME DOLLAR MAXIMUM THAT APPLIES IN THE AGGREGATE TO ALL COVERED BENEFITS UNDER THE POLICY OR CONTRACT OF THE INSURED OR ENROLLEE.

(F) AN ENTITY SUBJECT TO THIS SECTION MAY NOT ESTABLISH REQUIREMENTS FOR MEDICAL NECESSITY OR APPROPRIATENESS FOR THE COVERAGE REQUIRED UNDER THIS SECTION THAT ARE MORE RESTRICTIVE THAN THE INDICATIONS AND LIMITATIONS OF COVERAGE AND MEDICAL NECESSITY ESTABLISHED UNDER THE MEDICARE COVERAGE DATABASE.

Article - Health - General

19-706.

(TTT) THE PROVISIONS OF § 15-844 OF THE INSURANCE ARTICLE APPLY TO HEALTH MAINTENANCE ORGANIZATIONS.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all policies, contracts, and health benefit plans issued, delivered, or renewed in the State on or after October 1, 2009.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2009.

Approved by the Governor, May 7, 2009.