

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:
<i>Mathew J. Muratore</i>	<i>1st Plymouth</i>	<i>7/24/2023</i>
<i>Hannah Kane</i>	<i>11th Worcester</i>	<i>7/25/2023</i>
<i>Kathleen R. LaNatra</i>	<i>12th Plymouth</i>	<i>7/25/2023</i>
<i>Norman J. Orrall</i>	<i>12th Bristol</i>	<i>7/25/2023</i>
<i>Kimberly N. Ferguson</i>	<i>1st Worcester</i>	<i>7/26/2023</i>
<i>David F. DeCoste</i>	<i>5th Plymouth</i>	<i>7/26/2023</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>7/26/2023</i>
<i>Michelle L. Ciccolo</i>	<i>15th Middlesex</i>	<i>7/26/2023</i>
<i>Marcus S. Vaughn</i>	<i>9th Norfolk</i>	<i>7/26/2023</i>
<i>Patrick M. O'Connor</i>	<i>First Plymouth and Norfolk</i>	<i>7/26/2023</i>
<i>Christopher Hendricks</i>	<i>11th Bristol</i>	<i>7/26/2023</i>
<i>Joseph D. McKenna</i>	<i>18th Worcester</i>	<i>7/31/2023</i>
<i>Patrick Joseph Kearney</i>	<i>4th Plymouth</i>	<i>8/16/2023</i>

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 Massachusetts

**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
11 including a device that is designed exclusively for athletic purposes.

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

14 (g) The commission shall provide coverage for prosthetic devices and orthotic devices,
15 including those designed, custom-built or fitted for a specific enrollee, for the performance of
16 physical activities or for an athletic purpose, as applicable, to maximize the enrollee's ability to
17 ambulate, run, bike and swim and to maximize upper limb function. The coverage required
18 pursuant to this subsection shall include the repair or replacement of a prosthetic or orthotic
19 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:-

22 10R. (a) For the purposes of this section the following words shall, unless the context
23 clearly requires otherwise, have the following meanings:

24 "Orthotic device", a device: (i) used to support, align, correct or prevent deformities of
25 the body, which may be used to eliminate, control or assist motion at a joint or body part; and (ii)
26 appropriately used in a person's home or any setting in which normal life activities take place in
27 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.

30 (b) The division shall provide coverage for prosthetic and orthotic devices including the
31 repair or replacement of prosthetic or orthotic devices to eligible MassHealth members under the

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

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

40 (d) Eligible MassHealth members shall be required to provide a written prescription
41 signed by a licensed physician or an independent nurse practitioner. The prescription must be
42 written on the prescriber's prescription form and must include the following information:

- 43 (i) the member's name and address;
- 44 (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.

49 SECTION 4. Section 47Z of chapter 175 of the General Laws, as so appearing, is hereby
50 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:

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

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

59 SECTION 5. Said section 47Z of said chapter 175, as so appearing, is hereby further
60 amended by adding the following subsection:-

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

67 SECTION 6. Section 8AA of chapter 176A of the General Laws, as so appearing, is
68 hereby amended by striking out subsection (b) and inserting in place thereof the following
69 subsection:-

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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