

CHAPTER 113

AN ACT

SB 797

Relating to medical devices.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Section 2 of this 2023 Act is added to and made a part of the Insurance Code.

SECTION 2. (1) As used in this section:

(a) “Orthotic device” means a rigid or semi-rigid device supporting a weak or deformed leg, foot, arm, hand, back or neck, or restricting or eliminating motion in a diseased or injured leg, foot, arm, hand, back or neck.

(b) “Prosthetic device” means an artificial limb device or appliance designed to replace in whole or in part an arm or a leg.

(2) All individual and group health insurance policies providing coverage for the expenses of hospital, medical or surgical services or supplies shall provide coverage for prosthetic and orthotic devices that are medically necessary to restore or maintain the ability to complete activities of daily living or essential job-related activities and that are not solely for comfort or convenience. The coverage required by this subsection includes all services and supplies medically necessary for the effective use of a prosthetic or orthotic device, including design formulation, fabrication, material and component selection, measurements, fittings, static and dynamic alignments and patient instruction in the use of the device.

(3) The Director of the Department of Consumer and Business Services shall adopt and

annually update rules listing the prosthetic and orthotic devices covered under this section. The list shall be no more restrictive than the list of prosthetic and orthotic devices and supplies in the Medicare fee schedule for Durable Medical Equipment, Prosthetics, Orthotics and Supplies, but only to the extent consistent with this section.

(4) The coverage required by subsection (2) of this section may be made subject to, and no more restrictive than, the provisions of a health insurance policy that apply to other benefits under the policy.

(5) The coverage required by subsection (2) of this section shall include any repair or replacement of a prosthetic or orthotic device that is determined medically necessary to restore or maintain the ability to complete activities of daily living or essential job-related activities and that is not solely for comfort or convenience.

(6) If the coverage under subsection (2) of this section is provided through a managed care organization, the insured shall have access to medically necessary clinical care and to prosthetic and orthotic devices and technology from not fewer than two distinct Oregon prosthetic and orthotic providers in the managed care organization’s provider network.

(7) This section is exempt from ORS 743A.001.

SECTION 3. Section 2 of this 2023 Act applies to policies or certificates of health insurance issued, renewed or extended on or after the effective date of this 2023 Act.

Approved by the Governor May 19, 2023

Filed in the office of Secretary of State May 24, 2023

Effective date January 1, 2024