

State of Arizona
House of Representatives
Fifty-first Legislature
Second Regular Session
2014

HOUSE BILL 2648

AN ACT

AMENDING TITLE 36, CHAPTER 25, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 2;
AMENDING TITLE 36, CHAPTER 29, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING
SECTION 36-2907.13; RELATING TO ORTHOTIC AND PROSTHETIC DEVICES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 36, chapter 25, Arizona Revised Statutes, is amended
3 by adding article 2, to read:

4 ARTICLE 2. ORTHOTIC AND PROSTHETIC DEVICE STANDARDS

5 36-2411. Custom orthotic and prosthetic devices: requirements:
6 definition

7 A. BEGINNING JULY 1, 2015, A CUSTOM ORTHOTIC OR CUSTOM PROSTHETIC
8 DEVICE FURNISHED TO AN INDIVIDUAL BY A HEALTH CARE PROVIDER MUST MEET ALL OF
9 THE FOLLOWING REQUIREMENTS:

10 1. SUBJECT TO THE EXEMPTIONS SET FORTH IN 42 UNITED STATES CODE
11 SECTION 1395m(a)(20)(F)(ii), BE PROVIDED BY A FABRICATOR OR SUPPLIER THAT IS
12 ACCREDITED BY AN ACCREDITATION ORGANIZATION APPROVED BY THE CENTERS FOR
13 MEDICARE AND MEDICAID SERVICES PURSUANT TO 42 CODE OF FEDERAL REGULATIONS
14 SECTION 424.58.

15 2. BE PROVIDED BY A HEALTH CARE PROVIDER THAT IS A QUALIFIED
16 PRACTITIONER AS DEFINED IN 42 UNITED STATES CODE SECTION 1395m(h)(1)(F) OR IS
17 LICENSED PURSUANT TO TITLE 32, CHAPTER 7, 13, 17, 19 OR 34.

18 3. HAVE A VALID PRESCRIPTION FOR THE CUSTOM ORTHOTIC OR CUSTOM
19 PROSTHETIC DEVICE.

20 B. THIS SECTION DOES NOT REQUIRE A HEALTH CARE PROVIDER TO ACCEPT
21 MEDICARE PATIENTS.

22 C. FOR THE PURPOSES OF THIS SECTION, "CUSTOM ORTHOTIC OR CUSTOM
23 PROSTHETIC DEVICE" MEANS AN ORTHOTIC OR PROSTHETIC DEVICE THAT IS
24 INDIVIDUALLY FABRICATED FOR A PATIENT OVER A POSITIVE MODEL OF THE PATIENT.
25 CUSTOM ORTHOTIC OR CUSTOM PROSTHETIC DEVICE DOES NOT INCLUDE SHOES AND SHOE
26 INSERTS, A DENTAL DEVICE OR THE REPLACEMENT OF ALL OR PART OF AN INTERNAL
27 BODY ORGAN.

28 Sec. 2. Title 36, chapter 29, article 1, Arizona Revised Statutes, is
29 amended by adding section 36-2907.13, to read:

30 36-2907.13. Reimbursement for prosthetic devices: requirements:
31 definition

32 A. BEGINNING JULY 1, 2015, A CONTRACTOR OR THE ADMINISTRATION MAY NOT
33 REIMBURSE A HEALTH CARE PROVIDER FOR A CUSTOM PROSTHETIC DEVICE FURNISHED TO
34 A MEMBER UNLESS ALL OF THE FOLLOWING APPLY:

35 1. SUBJECT TO THE EXEMPTIONS SET FORTH IN 42 UNITED STATES CODE
36 SECTION 1395m(a)(20)(F)(ii), THE FABRICATOR OR SUPPLIER FROM WHICH THE CUSTOM
37 PROSTHETIC DEVICE WAS PROVIDED IS ACCREDITED BY AN ACCREDITATION ORGANIZATION
38 APPROVED BY THE CENTERS FOR MEDICARE AND MEDICAID SERVICES PURSUANT TO 42
39 CODE OF FEDERAL REGULATIONS SECTION 424.58.

40 2. THE HEALTH CARE PROVIDER IS A QUALIFIED PRACTITIONER AS DEFINED IN
41 42 UNITED STATES CODE SECTION 1395m(h)(1)(F) OR IS LICENSED PURSUANT TO TITLE
42 32, CHAPTER 7, 13, 17, 19 OR 34.

43 3. THERE IS A VALID PRESCRIPTION FOR THE CUSTOM PROSTHETIC DEVICE.

44 B. A HEALTH CARE PROVIDER THAT DOES NOT RECEIVE REIMBURSEMENT FOR A
45 CUSTOM PROSTHETIC DEVICE PURSUANT TO SUBSECTION A OF THIS SECTION MAY NOT

1 ATTEMPT TO COLLECT PAYMENT OR REIMBURSEMENT FOR THE CUSTOM PROSTHETIC DEVICE
2 FROM THE MEMBER. A MEMBER IS NOT RESPONSIBLE FOR ANY REIMBURSEMENT THAT
3 WOULD OTHERWISE HAVE BEEN PAID BY THE CONTRACTOR OR ADMINISTRATION.

4 C. THIS SECTION DOES NOT REQUIRE A HEALTH CARE PROVIDER TO ACCEPT
5 MEDICARE PATIENTS.

6 D. FOR THE PURPOSES OF THIS SECTION, "CUSTOM PROSTHETIC DEVICE" MEANS
7 A PROSTHETIC DEVICE THAT IS INDIVIDUALLY FABRICATED FOR A PATIENT OVER A
8 POSITIVE MODEL OF THE PATIENT. CUSTOM PROSTHETIC DEVICE DOES NOT INCLUDE A
9 DENTAL DEVICE OR THE REPLACEMENT OF ALL OR PART OF AN INTERNAL BODY ORGAN.