



STATE OF DELAWARE  
**STATE COUNCIL FOR PERSONS WITH DISABILITIES**  
MARGARET M. O'NEILL BUILDING  
410 FEDERAL STREET, SUITE 1  
DOVER, DE 19901

VOICE: (302) 739-3620  
TTY/TDD: (302) 739-3699  
FAX: (302) 739-6704

**MEMORANDUM**

DATE: June 7, 2011

TO: All Members of the Delaware State Senate  
and House of Representatives

FROM: Ms. Daniese McMullin-Powell *DMP/icit* Chairperson  
State Council for Persons with Disabilities

RE: H.B. 76 [Prosthetic Insurance Coverage]

The State Council for Persons with Disabilities (SCPD) has reviewed H.B. 76 which may ensure prosthetic parity for Delaware citizens who have experienced limb loss by requiring that all individual and group health insurance policies provide orthotic and prosthetic devices at a reimbursement rate equal to the Federal reimbursement rate for the elderly and persons with disabilities. The legislation is almost identical to H.B. 343 from the 145<sup>th</sup> General Assembly and is part of a national initiative of the Amputee Coalition of America (ACA). The ACA Website indicates that at least nineteen (19) states have adopted some form of prosthetic parity legislation: New Jersey, Maryland, Virginia, Colorado, Maine, New Hampshire, Rhode Island, Massachusetts, California, Oregon, Indiana, Vermont, Louisiana, Arkansas, Iowa, Texas, Missouri, Illinois, and Utah. A Delmarva Daily Times article indicates that most insurance policies cover only the first \$2,500 of the costs for prosthetic devices since they are classified as durable medical equipment. In contrast, prosthetics can cost between \$5,000 and \$60,000. An ACA press release indicates that 2,000 babies are born annually with differential limbs, with an incidence rate of 1/ 2,869 for upper limbs and 1/5,949 for lower limbs. Finally, studies show a low impact on insurance costs when prosthetic parity is implemented.

SCPD endorses the concept of the legislation subject to consideration of two (2) amendments.

First, there are some words missing at lines 28 and 89 of the bill, i.e., there are identical references to “as determined Secretary of the Department of Health and Social Services

Second, the bill covers a missing “limb, appendage, or other external human body part including an

artificial limb, hand, or foot” (lines39-40, 100-101). However, it excludes artificial eyes, ears, and noses” (lines 40-41, 101-102). The exclusion is not intuitive since other covered body parts are not exclusively “functional” and can be linked to restoration of “cosmesis” (lines 48 and 109). SCPD recommends consideration of an amendment which would delete the categorical exclusion.

Thank you for your consideration and please contact SCPD if you have any questions regarding our position or observations on the proposed legislation.

cc: The Honorable Jack A. Markell  
Mr. Brian Hartman, Esq.  
Governor’s Advisory Council for Exceptional Citizens  
Developmental Disabilities Council

Hb 76 prosthetic parity 6-7-11