

OFFICE OF THE SECRETARY OF STATE

LAVONNE GRIFFIN-VALADE
SECRETARY OF STATE

CHERYL MYERS
DEPUTY SECRETARY OF STATE
AND TRIBAL LIAISON



ARCHIVES DIVISION

STEPHANIE CLARK
DIRECTOR

800 SUMMER STREET NE
SALEM, OR 97310
503-373-0701

PERMANENT ADMINISTRATIVE ORDER

ID 51-2023

CHAPTER 836

DEPARTMENT OF CONSUMER AND BUSINESS SERVICES

INSURANCE REGULATION

FILED

12/18/2023 4:00 PM
ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: List of Prosthetic and Orthotic Devices under Oregon SB 797 (2023)

EFFECTIVE DATE: 01/01/2024

AGENCY APPROVED DATE: 12/12/2023

CONTACT: Jennifer Romadka-Healy

971-374-3618

jennifer.romadka@dcbs.oregon.gov

350 Winter St NE

Salem, OR 97301

Filed By:

Jennifer Romadka-Healy

Rules Coordinator

AMEND: 836-052-1000

NOTICE FILED DATE: 10/26/2023

RULE SUMMARY: Establishes list of prosthetic and orthotic devices; prohibits internal or separate limits or caps on prosthetic and orthotic devices, other than the lifetime policy maximum, when permitted by law; defines when coverage for prosthetic and orthotic device is provided through a managed care organization.

CHANGES TO RULE:

836-052-1000

Prosthetic and Orthotic Devices ¶

~~(1) This rule is adopted under the authority of ORS 731.244 fFor purposes of this rule, the terms "or the purpose of clarifying position of the Department of Consumer and Business Services regarding otic device" and "prosthetic device" have the meanings given to the statuose terms and enforcement of ORS 743A.144.5. ¶~~

~~(2) Because the Oregon Legislative Assembly has not updatedThe list of devices that must be covered under ORS 743A.1445, the provisions of that statute are subject to the automatincludes any prosthetic or orthotic device for which the Centers for Medic arepeal found in ORS 743A.001. Therefore, the department will not actively update the list of and Medicaid Services (CMS) has established an L Code in the Healthcare Common Procedure Coding System (HCPCS) Level II.¶~~

~~(3) Coverage for the prosthetic and orthotic devices and supplies described in subject to the mandated provisions. However, many of these devices and supplies may be required under other state or federal law and the department will continue to review provision (2) of this section may not be subject to internal or separate limits or caps other than the policy lifetime maximum benefits. This subsection does not authorize a health benefit plan or other policy of health insurance to impose a lifetime or annual dollar limit that is otherwise prohibited under state or federal law. ¶~~

~~(4) For purposes of ORS 743A.145, coverage provided through a managed care organizations in plans and policies for compliance with other applicable state and federal laws related to prosthetic or orthotic devicescludes a health insurance policy that requires an enrollee to use a closed network of providers managed, owned, under contract with or employed by the insurer in order to receive benefits under the plan.~~

Statutory/Other Authority: ORS 731.244, 743A.1445

Statutes/Other Implemented: ORS 743A.1445