

August 15, 2025

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Dear Mr. Baldwin and Ms. Winkel,

We, the undersigned members of the Prosthetic/Orthotic Rulemaking Advisory Committee (RAC), want to express our sincere appreciation for your efforts in convening and facilitating the RAC meetings to date in support of implementing SB 699.

At the August 13, 2025, RAC meeting, there was disagreement regarding what had been previously agreed upon during the July 31 meeting. Specifically, there were concerns about whether the draft final rule should include language identifying the prosthetic and orthotic devices required to be covered under SB 699. While some RAC members felt this language was redundant with the statute and therefore unnecessary, others—including the undersigned—recall that there was consensus to reference the statute **and** to include clarifying language in the rule to ensure enforceability and clarity. Specifically, we support the inclusion of the following language in Section 2(b):

“(b) Any additional devices that are determined to be medically necessary and the most appropriate model that meets the medical needs of the insured for purposes of performing physical activities, including but not limited to running, biking, swimming and strength training, and that maximizes the insured’s whole-body health, including lower and upper limb function.”

Regardless of perceived redundancy, we believe it is essential to retain this language in the final rule. SB 699 and ORS 743A.145 clearly direct the Department of Consumer and Business Services (DCBS) to adopt and annually update rules specifying the prosthetic and orthotic devices covered. The statute states:

“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 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.”

Creating rules to implement these provisions is not optional. Even if certain elements in the rule mirror the statute, doing so ensures clarity, consistency, and effective enforcement.

As committee members representing the voice of the consumer, we strongly support clear and even duplicative language when necessary. Individuals living with limb loss and limb difference—as well as the clinicians and care teams who support them—rely on transparent, unambiguous rules. We’ve seen in other states that when guidance is vague or incomplete, it can lead to delays or outright denial of medically necessary care. Including detailed language in Oregon’s rule will help prevent those outcomes and uphold the intent of SB 699.

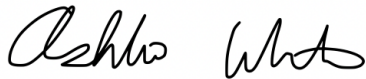
We fully support DCBS moving forward with publication of the draft final rule as written. We remain committed to working collaboratively with DCBS and our fellow RAC members to ensure effective implementation of SB 699 in alignment with the law and the needs of the community.

Sincerely,



Nicole Ver Kuilen

Director of Impact Campaigns & So Every BODY Can Move Lead, Amputee Coalition



Ashlie White

Chief Strategy & Programs Officer, Amputee Coalition



Teri Kuffel

Executive Director, American Orthotic & Prosthetic Association