

State of Arizona
Senate
Fifty-third Legislature
First Regular Session
2017

CHAPTER 268
SENATE BILL 1451

AN ACT

AMENDING TITLE 36, CHAPTER 25, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 2; 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. Heading change

3 The chapter heading of title 36, chapter 25, Arizona Revised
4 Statutes, is changed from "HEALTH CARE QUALITY ASSURANCE" to "HEALTH CARE
5 QUALITY".

6 Sec. 2. Title 36, chapter 25, Arizona Revised Statutes, is amended
7 by adding article 2, to read:

8 ARTICLE 2. ORTHOTIC AND PROSTHETIC DEVICE STANDARDS

9 36-2411. Custom orthotic and custom prosthetic devices;
10 requirements; definition

11 A. BEGINNING JANUARY 1, 2018, A CUSTOM ORTHOTIC OR CUSTOM
12 PROSTHETIC DEVICE FURNISHED TO AN INDIVIDUAL SHALL MEET ALL OF THE
13 FOLLOWING REQUIREMENTS:

14 1. EXCEPT FOR A CUSTOM ORTHOTIC OR CUSTOM PROSTHETIC DEVICE
15 PROVIDED BY A HEALTH CARE PROVIDER WHO IS LICENSED PURSUANT TO TITLE 32,
16 CHAPTER 7, 13, 17, 19, 25 OR 34, BE PROVIDED BY A FABRICATOR OR SUPPLIER
17 THAT IS ACCREDITED BY AN INDEPENDENT ACCREDITATION ORGANIZATION APPROVED
18 BY THE SECRETARY OF THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN
19 SERVICES PURSUANT TO 42 UNITED STATES CODE SECTION 1395m(a)(20)(B) AND THE
20 REGULATIONS PROMULGATED THEREUNDER.

21 2. BE PROVIDED BY A HEALTH CARE PROVIDER THAT IS A QUALIFIED
22 PRACTITIONER AS DEFINED IN 42 UNITED STATES CODE SECTION 1395m(h)(1)(F) OR
23 IS LICENSED PURSUANT TO TITLE 32, CHAPTER 7, 13, 17, 19, 25 OR 34.

24 3. HAVE A VALID PRESCRIPTION FOR THE CUSTOM ORTHOTIC OR CUSTOM
25 PROSTHETIC DEVICE.

26 B. EXCEPT FOR A CUSTOM ORTHOTIC OR CUSTOM PROSTHETIC DEVICE
27 PROVIDED BY A HEALTH CARE PROVIDER WHO IS LICENSED PURSUANT TO TITLE 32,
28 CHAPTER 7, 13, 17, 19, 25 OR 34, A HEALTH CARE PROVIDER THAT DOES NOT
29 RECEIVE INSURANCE PAYMENT FOR A CUSTOM ORTHOTIC OR CUSTOM PROSTHETIC
30 DEVICE BECAUSE THE CUSTOM ORTHOTIC OR CUSTOM PROSTHETIC DEVICE OR THE
31 PROVIDER DOES NOT MEET THE REQUIREMENTS OF SUBSECTION A OF THIS SECTION
32 MAY NOT ATTEMPT TO COLLECT PAYMENT OR REIMBURSEMENT FOR THE AMOUNT OF THE
33 COVERAGE DENIAL FOR THE CUSTOM ORTHOTIC OR CUSTOM PROSTHETIC DEVICE FROM
34 THE PATIENT. THIS SUBSECTION APPLIES ONLY IF THE COVERAGE DENIAL IS
35 STRICTLY BASED ON THE CUSTOM ORTHOTIC OR CUSTOM PROSTHETIC DEVICE OR THE
36 PROVIDER NOT MEETING THE REQUIREMENTS OF SUBSECTION A OF THIS SECTION.

37 C. THIS SECTION DOES NOT REQUIRE A HEALTH CARE PROVIDER TO ACCEPT
38 MEDICARE PATIENTS.

39 D. FOR THE PURPOSES OF THIS SECTION, "CUSTOM ORTHOTIC OR CUSTOM
40 PROSTHETIC DEVICE" MEANS AN ORTHOTIC OR PROSTHETIC DEVICE THAT IS
41 INDIVIDUALLY FABRICATED FOR A PATIENT OVER A POSITIVE MOLD, A TRACING OR A
42 SCAN OF THE PATIENT. CUSTOM ORTHOTIC OR CUSTOM PROSTHETIC DEVICE DOES NOT
43 INCLUDE SHOES AND SHOE INSERTS, A DENTAL DEVICE, A HEARING-RELATED DEVICE
44 OR THE REPLACEMENT OF ALL OR PART OF AN INTERNAL BODY ORGAN.

S.B. 1451

APPROVED BY THE GOVERNOR MAY 2, 2017.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 2, 2017.