CONSENT CALENDAR

May 15, 2024

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on Commerce and Consumer Affairs to which was referred SB 177-FN,

AN ACT (New Title) relative to health insurance coverage of prosthetics for children under 19 years of age. Having considered the same, report the same with the recommendation that the bill OUGHT TO PASS.

Rep. Anita Burroughs

FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

COMMITTEE REPORT

Committee:	**Commerce and Consumer Affairs**
Bill Number:	**SB 177-FN**
Title:	**(New Title) relative to health insurance coverage of prosthetics for children under 19 years of age.**
Date:	**May 15, 2024**
Consent Calendar:	**CONSENT**
Recommendation:	**OUGHT TO PASS**

STATEMENT OF INTENT

This bill requires insurers to cover one activity-specific device per year and a daily limb for everyday activities. Without this activity-specific device, a child's ability to have an active, healthy lifestyle and compete in sports alongside their peers is limited.

Vote 18-0.

Rep. Anita Burroughs
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Commerce and Consumer Affairs

SB 177-FN, (New Title) relative to health insurance coverage of prosthetics for children under 19 years of age. **OUGHT TO PASS.**

Rep. Anita Burroughs for Commerce and Consumer Affairs. This bill requires insurers to cover one activity-specific device per year and a daily limb for everyday activities. Without this activity-specific device, a child's ability to have an active, healthy lifestyle and compete in sports alongside their peers is limited. **Vote 18-0.**

Original: House Clerk
Cc: Committee Bill File

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

EXECUTIVE SESSION on SB 177-FN

BILL TITLE: (New Title) relative to health insurance coverage of prosthetics for children under 19 years of age.

DATE: May 15, 2024

LOB ROOM: 302-304

MOTIONS: OUGHT TO PASS

Moved by Rep. Burroughs Seconded by Rep. McAleer Vote: 18-0

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Jane Beaulieu, Clerk

STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

4/19/2024 9:56:56 AM
Roll Call Committee Registers Report

2024 SESSION

Commerce and Consumer Affairs

Bill #: SB177 Motion: OTP AM #: _____ Exec Session Date: 5/15/24

Members	YEAS	Nays	NV
Hunt, John B. Chairman	✓		
Ammon, Keith Michael Vice Chairman	✓		
Potucek, John M.	✓		
Post, Lisa C.M.	✓		
Cole, Brian D	✓		
McGough, Tim S	✓		
Porcelli, Susan M	✓		
Thackston, Dick H	✓		
Walsh, Lilli M	✓		
Burroughs, Anita D.	✓		
Herbert, Christopher J.	✓		
Beaulieu, Jane E. Clerk	✓		
McAleer, Chris R.	✓		
Gibbs, Merryl	✓		
Spier, Carry	✓		
Sullivan, Jared	✓		
Grassie, Chuck W.	✓		
Rafter, Hal W	✓		
TOTAL VOTE:	18	0	

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

SUBCOMMITTEE WORK SESSION on SB 177-FN

BILL TITLE: (New Title) relative to health insurance coverage of prosthetics for children under 19 years of age.

DATE: May 7, 2024

Subcommittee Members: Reps. Hunt, McGough, Porcelli, Burroughs, Spier and Rafter

Comments and Recommendations:

MOTIONS: **OUGHT TO PASS**

Moved by Rep. Rep. Burroughs Seconded by Rep. Rep. Hunt Vote: 6-0

Respectfully submitted,

Rep. John Hunt
Subcommittee Chairman

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

PUBLIC HEARING ON SB 177-FN

BILL TITLE: **(New Title) relative to health insurance coverage of prosthetics for children under 19 years of age.**

DATE: **April 23, 2024**

LOB ROOM: **302-304** **Time Public Hearing Called to Order:** **11:00 a.m.**

Time Adjourned: **11:30 a.m.**

Committee Members: Reps. Hunt, Ammon, Beaulieu, Potucek, Post, Cole, McGough, Porcelli, Thackston, L. Walsh, Burroughs, Herbert, McAleer, Spier, J. Sullivan, Grassie and Rafter

Bill Sponsors:

Sen. Prentiss	**Sen. Perkins Kwoka**	**Sen. Watters**
Sen. Soucy	**Sen. Whitley**	**Sen. Fenton**
Sen. Carson	**Rep. Bolton**	**Rep. Palmer**
Rep. Morse		

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Senator Sue Prentiss introduced the bill
- Works with limb loss community
- Bill as amended will cover 2 prosthetics

*Samantha Collyar
- Supports
- Spoke to her sones disability and his need for a sports prosthetic
- A donor paid for her son's blade/prosthetic

Aiden Collyar
- Soccer player and runner
- Supports

*Kate Martin - Certified Clinician
- Supports

*Maggie Baumer
- Represents and works for Hanger Clinic
- Supports
- She wears a prosthetic
- Physical and social activity

Respectfully Submitted,

Rep Jane Beaulieu, Clerk

SIGN UP SHEET

Register Your Opinion If Not Testifying

Committee: Commerce

Bill #:
SB177

Date: 4/23/24

****Please Print All Information****

Name	Address	Phone	Representing	Pro	Con
Rep Heath Howard	Strafford		Strafford 4	X	
MO BAXLEY			GSIL	X	

Thank you all for allowing us to speak today. My name is Samantha Collyar, and I am the mother of Aiden, an 11-year-old cancer survivor who lost his leg in exchange for better odds of survivorship. We are here today in support of SB 177.

Aiden was diagnosed with Rhabdomyosarcoma at the end of March 2021 and became an amputee at the very beginning of June 2021. Before getting sick, Aiden was a very active child, and even then, chemo couldn't keep him down. He was fitted with his first prosthetic in August 2021 and walked independently just a few weeks later. It wasn't long before Aiden was ready to return to the sports and activities with friends he sorely missed. We then found out that the running blades were not covered by insurance, and our hearts sank.

Through his prosthetist office at Next Step in Manchester, we were introduced to the Born to Run foundation, and in April 2022, Aiden received his first running blade. He was off and running, trying new activities like baseball and his school's jogging club. He wore it constantly because, I quote, "You just never know when you need to run, Mom." Unfortunately, his joy only lasted a few months because Aiden finished treatment in July 2022 and began to put weight back on. This caused his socket to no longer fit, and he returned to working with his walking leg. This leg is not only bulkier with the knee but heavier, and he had to adjust his gait to try to run and keep up with his friends. We again turned to Born to Run and got in line for financing for a new blade because we didn't have the money to replace it. It took several months until Aiden's turn for funding again, which we were so grateful they could cover. He received his new socket in March 2024. He began working right away to regain the skills he lost from the months of being without his blade. A wait and loss that wouldn't have happened had our insurance been required to cover his prosthetic, wasting valuable time and skills that he had learned such as

proper pressure to the blade, how to use the spring of the carbon fiber for more power, and keeping his body properly aligned. This resulted in a lot of frustration on Aiden's part because he felt like he had been set back.

Today, Aiden is getting ready to run the Bionic 5k in Cambridge on April 28 and we feel so fortunate that we were able to find someone to finance his blade because insurance doesn't find an accessible and active lifestyle to be "medically necessary". We, along with many other parents of children with limb difference feel the frustration that our children aren't given access to the prosthetics to continue to do and try activities they love to lead full and happy lives, especially in their childhood. We feel the worry of trying to figure out how to fund the next socket when our children outgrow their current ones because we know that while foundations exist, the funds may not always be available. We encourage everyone before us with all their limbs to think of how fortunate they are to be able to participate in the activities they enjoy and to vote in favor for the kids who need something extra to participate in their favorite activities.

Samantha Collyar
Merrimack NH
570-616-5850
Samantha.collyar@gmail.com

Legislative Office Building 302-304, 33 N State Street, Concord, NH

Hello everyone. My name is Kate Martin, and I am a Certified Prosthetist Orthotist at Next Step Bionics & Prosthetics in Manchester, NH.

I grew up in Westmoreland, attended Keene High, and am a Plymouth State graduate. It's safe to say, I love this state. I appreciate the opportunity to speak today in support of SB 177. As a clinician, I have seen the significant impact recreational prostheses can have on a patients' physical and mental health. Unfortunately, recreational prostheses can be rather costly, ranging from 5,000 to upwards of 50,000 dollars. For children, this cost can increase rapidly as frequent replacement is necessary due to growth.

I think we can all agree you would never use your rake to shovel snow or wear dress shoes to run a 5k. Instead, you would likely use a specific tool or choose gear that is most appropriate, allowing you to perform at your best. Deeming a recreational prosthesis "not medically necessary" is denying a child access to tools that will allow them to perform at their best and "just be a kid". This is particularly problematic as children with disabilities are 4.5 times less likely to engage in physical activity compared to their peers. Furthermore, the prevalence of obesity in children with disabilities is almost twice that of children without disabilities. Physical activity should be considered a right and not a privilege. Although a child's everyday prosthesis may allow them to chase their sibling around the house, it likely cannot withstand going in the ocean or keeping up with teammates at baseball practice. SB 177 will address this issue by requiring state commercial insurers to cover activity-specific prostheses for enrollees 18 years and under. SB 177 will provide children with limb loss and limb difference access to the prosthetic care they need to live full, active lives.

With the increase in mental and physical health issues including depression and obesity, I believe that this investment would actually lower future health care costs. Next Step includes 3 of the 11 O&P facilities in NH. Within these three clinics, children under the age of 18 make up only 7% of the prosthetic patients we see. If passed, the cost to commercial insurance companies would be nominal, however, the impact would be substantial. The children of the Granite State deserve better, and that is why I urge you to support this important legislation and help assist its passage into law. I would like to personally invite you to visit our facility in Manchester to meet with myself, children, and families who would benefit from this bill to provide you with a greater understanding of the challenges that these individuals face and how SB 177 can change their lives and future health. Thank you for your consideration.

New Hampshire State House
Commerce and Consumer Affairs Committee
House Chairman John Hunt

In Re: SB 177 - AN ACT to Create Orthotics and Prosthetics Parity and Ensure Coverage of Orthotics and Prosthetics for the Performance of Physical Activities for Children 18 Years of Age and Younger

April 23rd, 2024

Good Morning, Ladies and Gentleman,

Thank you for the opportunity to speak about SB 177, *An Act to Create Orthotics and Prosthetics Parity and Ensure Coverage of Orthotics and Prosthetics for the Performance of Physical Activities for Children 18 Years of Age and Younger*. My name is Maggie Baumer and I'm the Immediate Past President of the National Association for the Advancement of Orthotics and Prosthetics, representing the limb loss and limb difference community. I'm also a person with upper extremity limb loss and wear a prosthetic arm on a daily basis. I have been participating in the *So Every BODY Can Move* initiative, which is a movement to pass laws in all states that ensure coverage of orthoses and prostheses (O&P) for physical activity. Five states have passed laws since 2023 including (in chronological order: Maine, Arkansas, Colorado, New Mexico, Illinois) and two more bills are very close to passage in Maryland and Minnesota. Our goal is to enable individuals with limb loss and limb difference to participate in exercise, recreation, and physical activities to remain healthy, fit, and functional.

There are nearly 17,000 people living with limb loss or limb difference in New Hampshire. Back in 2003, New Hampshire passed an orthotics and prosthetics "Insurance Fairness" or "Parity" law to ensure adequate coverage of daily use orthotics and prosthetics in state-regulated commercial insurance plans, preventing any arbitrary caps or restrictions for coverage within these plans. SB 177 will essentially amend the Insurance Fairness law to include prostheses specifically designed for physical activity for those under 18 and will apply to all individual and group policies regulated by the state of New Hampshire. The cost of such coverage is minimal. A recent fiscal impact report estimates that the NH bill will result in premium increases of just $0.01 to $0.05 cents PMPM[1], while also predicting millions of dollars in cost savings per year based on improved health outcomes through the reduction of costly secondary health conditions including heart disease, diabetes, and obesity,[2] which collectively cost the U.S. healthcare system $626 billion each year[3]. Furthermore, knee or hip problems resulting from lack of appropriate prosthetic care can result in healthcare costs ranging from $80,000 to $150,000 over the course of a single patient's lifetime[4].

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[1] Malouf, Shaneis, MS, CO, Cain, Jeff, MD., Cartwright, Sara, MS, 2024. *A Multi-State Analysis of the Fiscal Impact of Commercial Insurance Coverage for General-Use & Activity-Specific Prosthetic & Orthotic Devices in the United States,* European Society of Medicine, March 31, 2024: https://doi.org/10.18103/mra.v12i3.5104

[2] Amputee Coalition, *Help Us Introduce the Insurance Fairness for Amputees Act*: https://3w568y1pmc7umeynn2o6c1my-wpengine.netdna-ssl.com/wp-content/uploads/2018/04/insurance-fairness-amputees-act.pdf

[3] Centers for Disease Control and Prevention, *Health and Economic Costs of Chronic Diseases,* March 23, 2023*:* https://www.cdc.gov/chronicdisease/about/costs/index.htm

[4] Amputee Coalition, *Help Us Introduce the Insurance Fairness for Amputees Act*: https://3w568y1pmc7umeynn2o6c1my-wpengine.netdna-ssl.com/wp-content/uploads/2018/04/insurance-fairness-amputees-act.pdf

Through my employer, Hanger Clinic, the largest national provider of orthotic and prosthetic clinical services, I have access to a secondary prosthesis for physical activity, which, as you can see, is very different from my prosthesis for everyday use. This device enables me to be physically active through engaging in yoga, weight-lifting, skiing, kayaking and other activities. Participating in physical activity has greatly aided my recovery and provided me with increased confidence, as well as physical and emotional well-being after amputation of my forearm and hand. The young residents of New Hampshire with limb loss and limb difference deserve the same level of access to such care. We respectfully request that you report favorably on this bill to ensure that those with disabilities have equal access to engaging in physical activity as their able-bodied counterparts. Thank you.

Kind Regards,



Maggie Baumer
Immediate Past President, National Association for the Advancement of Orthotics and Prosthetics
Leader of Enterprise Patient Advocacy – Hanger Clinic

SB 177-FN - AS AMENDED BY THE SENATE

01/03/2024 2418s

2023 SESSION

23-1041
05/04

SENATE BILL ***177-FN***

AN ACT relative to health insurance coverage of prosthetics for children under 19 years of age.

SPONSORS: Sen. Prentiss, Dist 5; Sen. Perkins Kwoka, Dist 21; Sen. Watters, Dist 4; Sen. Soucy, Dist 18; Sen. Whitley, Dist 15; Sen. Fenton, Dist 10; Sen. Carson, Dist 14; Rep. Bolton, Graf. 8; Rep. Palmer, Sull. 2; Rep. Morse, Graf. 9

COMMITTEE: Health and Human Services

AMENDED ANALYSIS

This bill requires group insurance policies, health service corporations, and health maintenance organizations to provide insurance coverage for prosthetic devices, including activity-specific devices, for children under 19 years of age.

- -

Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to health insurance coverage of prosthetics for children under 19 years of age.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 New Section; Accident and Health Insurance; Coverage for Prosthetic Devices; Group. Amend RSA 415 by inserting after section 18-ee the following new section:

415:18-ff Coverage for Prosthetic Devices for Children. Each insurer that issues or renews a policy of group or blanket accident or health insurance providing benefits for medical or hospital expenses shall provide coverage for prosthetic devices, including activity-specific prosthetic devices, for children under 19 years of age, who are residents of this state and covered by such insurance. The insurer may limit coverage for activity-specific prosthetic devices to one activity-specific prosthetic device per plan year. Medically necessary prosthetic devices shall not be subject to any annual limits. Coverage under this section shall be subject to such other terms and conditions of the policy that may apply.

I. Covered benefits shall include:

(a) All materials and components necessary to use the device;

(b) Instruction to the enrollee on using the device; and

(c) The repair or replacement of a prosthetic device that is determined medically necessary or is necessary for maximizing the enrollee's ability to engage in the specific activity.

II. In this section:

(a) "Prosthetic" means an artificial substitute for a body part for functional or therapeutic purposes.

(b) "Activity-specific prosthetic device" means a prosthetic device designed to allow an individual to participate in a specific activity that could damage the residual limb or everyday prosthesis, or when the everyday prosthesis would not function effectively to perform that specified activity.

III. This section shall not apply to plans available through the Small Business Health Options Program (SHOP).

2 Health Services Corporations; Applicable Statutes. Amend RSA 420-A:2 to read as follows:

420-A:2 Applicable Statutes. Every health service corporation shall be governed by this chapter and the relevant provisions of RSA 161-H, and shall be exempt from this title except for the provisions of RSA 400-A:39, RSA 401-B, RSA 402-C, RSA 404-F, RSA 415-A, RSA 415-F, RSA 415:6, II(4), RSA 415:6-g, RSA 415:6-k, RSA 415:6-m, RSA 415:6-o, RSA 415:6-r, RSA 415:6-t, RSA 415:6-u, RSA 415:6-v, RSA 415:6-w, RSA 415:6-x, RSA 415:6-y, RSA 415:6-z, RSA 415:6-a1, RSA 415:18, V,

RSA 415:18, XVI and XVII, RSA 415:18, VII-a, RSA 415:18-a, RSA 415:18-i, RSA 415:18-j, RSA 415:18-o, RSA 415:18-r, RSA 415:18-t, RSA 415:18-u, RSA 415:18-v, RSA 415:18-w, RSA 415:18-y, RSA 415:18-z, RSA 415:18-aa, RSA 415:18-bb, RSA 415:18-cc, RSA 415:18-dd, RSA 415:18-ee, ***RSA 415:18-ff,*** RSA 415:22, RSA 417, RSA 417-E, RSA 420-J, and all applicable provisions of title XXXVII wherein such corporations are specifically included. Every health service corporation and its agents shall be subject to the fees prescribed for health service corporations under RSA 400-A:29, VII.

3 Health Maintenance Organizations; Statutory Construction. Amend RSA 420-B:20, III to read as follows:

III. The requirements of RSA 400-A:39, RSA 401-B, RSA 402-C, RSA 404-F, RSA 415:6-g, RSA 415:6-m, RSA 415:6-o, RSA 415:6-r, RSA 415:6-t, RSA 415:6-u, RSA 415:6-v, RSA 415:6-w, RSA 415:6-x, RSA 415:6-y, RSA 415:6-z, RSA 415:6-a1, RSA 415:18, VII-a, RSA 415:18, XVI and XVII, RSA 415:18-i, RSA 415:18-j, RSA 415:18-r, RSA 415:18-t, RSA 415:18-u, RSA 415:18-v, RSA 415:18-w, RSA 415:18-y, RSA 415:18-z, RSA 415:18-aa, RSA 415:18-bb, RSA 415:18-cc, RSA 415:18-dd, RSA 415:18-ee, ***RSA 415:18-ff,*** RSA 415-A, RSA 415-F, RSA 420-G, and RSA 420-J shall apply to health maintenance organizations.

4 Effective Date. This act shall take effect January 1, 2025.

LBA
23-1041
Amended 1/26/24

SB 177-FN- FISCAL NOTE

AS AMENDED BY THE SENATE (AMENDMENT #2023-2418s)

AN ACT relative to health insurance coverage of prosthetics for children under 19 years of age.

FISCAL IMPACT: [X] State [X] County [X] Local [ ] None

Estimated State Impact - Increase / (Decrease)				
	FY 2024	**FY 2025**	**FY 2026**	**FY 2027**
Revenue	$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Revenue Fund(s)	General Fund			
Expenditures	$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Funding Source(s)	General Fund Various Government Funds			
Appropriations	$0	$0	$0	$0
Funding Source(s)	None			

- Does this bill provide sufficient funding to cover estimated expenditures? [X] No
- Does this bill authorize new positions to implement this bill? [X] No

Estimated Political Subdivision Impact - Increase / (Decrease)				
	FY 2024	**FY 2025**	**FY 2026**	**FY 2027**
County Revenue	$0	$0	$0	$0
County Expenditures	$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Local Revenue	$0	$0	$0	$0
Local Expenditures	$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

METHODOLOGY:

This bill requires group insurance policies, health service corporations, and health maintenance organizations to provide insurance coverage for prosthetic devices, including activity-specific devices, for children under 19 years of age.

The Insurance Department assumes this bill would result in an increase in claims costs related to activity-specific prosthetic devices. The Department commissioned a mandate benefit review based on the bill as introduced which indicated a cost range from $0.07 Per Member Per Month

(PMPM) to $0.21 PMPM and estimated the cost for an activity-specific prosthetic leg to be approximately $25,000 per user per year. The bill, as amended, would apply to large group products, limits the benefit to one activity-specific device per plan year, and provides that the device must be medically necessary. As a result, and without commissioning the cost of a revised benefit review and report, the Department believes these changes to the bill as amended are significant enough to drive the estimated cost above towards the lower end of the PMPM range. The estimated cost for one activity specific prosthetic leg of $25,000 remains the same. To the extent this bill would require coverage at a level greater than current plan designs offer, the Department assumes there would be a corresponding and indeterminable increase in claims costs and premiums, and therefore premium tax revenues. To the extent that the coverages required in this bill are applicable to health benefits offered by state, county, and local government entities, this could represent an increase in expenditures.

AGENCIES CONTACTED:

Insurance Department