

DATE: October 2024
TO: Minnesota Orthotic & Prosthetic Community
FROM: Minnesota Society of Orthotists, Prosthetists & Pedorthists (MSOPP)
RE: Passage of Minnesota Improved Access to Orthotic and Prosthetic Care Law

History of Minnesota Improved Access to Orthotic & Prosthetic (O&P) Care Law:

In May 2024, MN's HF 3339 / SF 3351 migrated into HF 5247 ("Monster Omnibus Bill") and was signed into law by Governor Tim Walz with an effective date of January 1, 2025.

Link/Location of MN O&P Law:

https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/127/?keyword_type=all&keyword=prosthetic#laws.57.41.0

What this MN O&P Law Does:

Effective January 1, 2025, this new law significantly improves MN health insurance coverage for orthotic and prosthetic care and devices for individuals of all ages. MN state-regulated insurance plans (commercial and public) must offer O&P coverage that is at least the same as Medicare. This is called "insurance fairness" or "parity". The law also includes provisions for activity-specific and showering or bathing O&P devices, all of which must be provided in a non-discriminatory manner.

Key Provisions of MN O&P Law:

1. MN state-regulated commercial and public plans ("MN Regulated Plans") are now required to cover O&P care at least equal to Medicare coverage provided under federal law for health insurance for the aged and disabled. This includes commercial plans offered, issued or sold in MN and public plans MN Medicaid, MNSure and MN State Employee Group Insurance Program.

***** Federally-regulated ERISA and self-insured plans are not included. *****

- 2. MN Regulated Plans** are required to cover additional O&P device(s) for the purpose of performing physical activity, as deemed medically necessary by a treating physician.
- 3. MN Regulated Plans** are required to cover additional O&P device(s) for showering or bathing, as deemed medically necessary by a treating physician.
- 4. MN Regulated Plans** are prohibited from discriminatory practices in the provision of O&P care; a health care company shall not deny a prosthetic or orthotic benefit for an individual with limb loss or absence that would otherwise be covered for a nondisabled person seeking medical or surgical intervention to restore or maintain the ability to perform the same physical activity.
- 5. MN Regulated Plans** are required to exempt O&P from Reasonable Useful Lifetime (RUL) restrictions if medical necessity exists and allow for replacement of the device without regard to continuous use or useful lifetime restrictions.
- 6. MN Regulated Plans**, by the inclusion of defrayal of costs and payments appropriated to the commissioner of commerce, may be reimbursed for coverage provisions under this section that would not have been provided by the health plan without the requirements of this section.

How to Obtain Access to MN Improved O&P Care after January 1, 2025:

1. **Review MN Patient Health Insurance Plan:** After legislation goes into effect, beneficiaries are encouraged to review their MN commercial and public health insurance plans to see if they are **MN Regulated Plans** with the new coverage options. This is an essential step.

***** Federally-regulated ERISA and self-insured plans are not included. *****

2. **Consult MN Healthcare Physician/Provider:** Individuals requiring O&P devices for physical activity and/or showering or bathing should consult their healthcare providers about their needs and request appropriate support including a written order (prescription) and medical necessity documentation, as necessary and applicable.

3. **Partner with MN O&P Provider:** Individuals should collaborate with their O&P provider to determine which specific device will meet their needs for physical activity and/or showering or bathing. O&P Providers will be instrumental in navigating the new coverage provisions and will partner with your healthcare providers for the best outcome for their mutual patients.

4. **Begin MN Claims/Billing Process:** O&P providers will help determine when to begin the prior authorization and claims/billing process. This process will be similar to that of requesting/receiving an O&P device for activities of daily living. Practitioners may choose to utilize templated documentation standards to demonstrate the medical necessity of O&P care for physical activity and/or showering or bathing devices for qualifying candidates.

5. **Be prepared for denials and appeals:** O&P providers will help patients navigate any denials and appeals through usual business operations and may utilize the following resources:

a. MSOPP white paper *Minnesota Improved Access to Orthotic & Prosthetic Care Law*, available to provide notice and location of the provisions. www.msopp-mn.com.

b. MN Department of Commerce Health Insurance Consumer Protection, assistance as needed. <https://mn.gov/commerce/insurance/health/consumer-protections/>

What to do Moving Forward:

1. Spread the word within your MN O&P networks about the new O&P law and engage with us in upcoming initiatives to monitor implementation and address any challenges that may arise.

www.msopp-mn.com

2. Utilize resources provided here and in the toolkits created by the national initiative So Every BODY Can Move. <https://soeverybodycanmove.org/>

3. Stay informed and continue to check resources and support from healthcare providers and the O&P community to ensure everyone can make the most of this new law in MN. Watch for additional implementation communication in collaboration with healthcare providers, insurance companies, and advocacy groups to ensure smooth adoption and compliance.

The passing of this MN Improved Access to O&P Care Law is a testament to what we can achieve when we work together. Let us continue to ensure that everyone has the O&P care needed to live a full and active life.

MSOPP Board www.msopp-mn.com