Donna Frescatore, Executive Director
NY State of Health Marketplace
Office of Health Insurance Programs
New York State Department of Health
Corning Tower, Empire State Plaza
Albany, NY 12237

Re: **New York Benchmark Plan’s “One Prosthesis per Limb per Lifetime” Restriction**

Dear Director Frescatore:

The purpose of this letter is to express our concern with a restriction in New York State’s benchmark plan that discriminates against adult amputees by preventing them from receiving medically necessary prosthetic devices.

We have learned that while New York’s essential health benefits benchmark plan covers prosthetic limbs for people with limb loss, it limits that coverage to “one prosthesis per limb per lifetime.” Based on our research, it appears that this is one of the most restrictive prosthetic coverage policies in the United States. Equally troublesome, it is not “equal to the typical employer plan,” which is the standard for essential health benefits coverage under the Patient Protection and Affordable Care Act (PPACA).

In addition, this restrictive coverage policy conflicts with requirements under PPACA to cover “rehabilitative and habilitative services and devices” as part of essential health benefits. PPACA also prohibits discrimination in benefit design based on age and disability. The “one prosthesis per limb per lifetime” restriction runs afores of both these provisions.

A prosthesis is a mechanical device. Over time, its components break down and require replacement. Similarly, as they age, individuals with limb loss experience changes in their clinical condition that can require new prosthetic solutions to keep them independent and functional. Appropriate prosthetic care speeds amputees’ recovery, improves their mobility, and facilitates their return to work. Revising this coverage limitation isn’t just the right thing to do clinically; it is also likely to lead to long-term cost savings by promoting a more active, healthy, and independent lifestyle.

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1 Indeed, our preliminary research suggests that New York is the only state in the entire country with such a restriction. Equally troubling, it appears that every other New York health exchange plan has now also adopted the one-prosthesis-per-limb-per-lifetime limitation.


Revising the “one prosthesis per limb per lifetime” restriction will have a minimal effect on insurance expenditures in New York. Multiple states that have independently commissioned studies on the topic have concluded that monthly premiums would increase from as little as $0.24 to a maximum of only $4.20 per member per year. Other research shows that in New York in 2012, there were 455 upper limb amputations, 1,526 below-the-knee amputations, and 1,326 above-the-knee amputations. Importantly, only a fraction of these individuals receive prosthetic coverage each year from a PPACA plan.

We urge you to review this coverage limitation. We request that you use your administrative authority to revise New York State’s benchmark plan and eliminate this unjustified provision as soon as possible, or if necessary, starting in the coming plan year, CY 2016.

We thank you for your consideration.

Sincerely,

Kemp Hannon
Senator Kemp Hannon

Andrew Lanza
Senator Andrew Lanza

Jack Martins
Senator Jack Martins

Michael Venditto
Senator Michael Venditto

CC:
Lisa Sbrana, Counsel
Mr. Benjamin M. Lawsky, Superintendent
Mr. Troy Oechsner, Deputy Superintendent for Health

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5 Evaluation of Senate Bill 931: Mandated Coverage of Prosthetic Devices, Joint Legislative Audit and Review Commission of the Virginia General Assembly, pp. 18-19.