



Insurance Parity for Prosthetic Devices

The Civil Rights Case

The US Congress and the Connecticut Legislature have enacted laws over the years to assure individuals with disabilities equal treatment under the law. Like the Civil Rights Act of 1964 that aims to prevent discrimination based on race, sex, religion, and national origin in our communities, the Americans with Disabilities Act of 1990 expressly added the prevention of discrimination to people with disabilities.

Some in the Insurance industry have found a loophole in these laws and are exploiting it. Health insurance is meant to protect policy holders from major medical conditions such as cancer, heart disease, diabetes and other long term care conditions. Limb loss for children and adults is obviously a major medical condition, too. Plus, the loss of one or more limbs, or their effective use, is a disability.

In health insurance policies that covers the use of prosthetics for deteriorating joints found in knees, hips and shoulders, the insurance adjustors usually approve the surgery as medically necessary within 24 to 48 hours. This used to be the case for limb loss, too. Then some in the insurance industry began approving only the amputation, and not a prosthetic limb. The latter is routinely declared *not medically necessary*.

In comparison, Medicare and Medicaid approves prosthetic limbs as medically necessary as long as the doctor's notes describing the condition are complete with respect to the patient's ability to use the device and to return to work, or if a child, to play, or whatever activities the patient was enjoying prior to an amputation.

It is our assertion that individuals who suffer limb loss, are individuals with a serious disability and deserve equal protection under the law. If a health insurance policy covers conditions requiring prosthetic devices, which includes, but not limited to, knee, hip, shoulder AND limb prosthetics, the medical treatment and associated prosthetic devices must be covered equally.

For your information, here is a brief summary of the major civil rights laws enacted over the years.

- Civil Rights Act of 1964 – Made discrimination unlawful on the basis of race, sex, religion and national origin.
- Fair Housing Act of 1968 – Expanded upon the Civil Rights Act to include the sale or rental of housing.
- Section 504 of the Rehabilitation Act of 1973 – Requires all programs receiving federal financial assistance to make programs accessible to people with disabilities.

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- Education of Handicapped Act of 1975 – Renamed *Individuals with Disabilities Education Act* (IDEA), it requires that all children with disabilities receive a free and appropriate education in the least restrictive environment, i.e. integrated with all other children as much as possible.
- Air Carrier Access Act of 1986 – Prohibits discrimination in air travel on the basis of disability.
- Fair Housing Act Amendments of 1988 – Prohibits discrimination in all sales or rental of housing to individuals with disabilities.
- Americans with Disabilities Act (ADA) of 1990 – Gives people with disabilities the same protection provided by the Civil Rights Act. The ADA addresses the rights of people with disabilities in the areas of employment, state and local government, public accommodations and transportation.

The state of Connecticut has added their own layer of laws to protect individuals with disabilities. For example, when installing ramp access to a building, ramp slope codes in Connecticut are more stringent than ADA guidelines.