



## Insurance Parity for Prosthetic Devices

### The Civil Rights Case

The US Congress and the State of Connecticut General Assembly have enacted laws over the years to assure individuals with disabilities equal treatment under the law. **The Civil Rights Act of 1964 outlawed discrimination based on race, sex, religion, and national origin in our communities; the Americans with Disabilities Act of 1990 added the same protections to people with disabilities.**

Obviously, limb loss for children and adults is a major medical condition requiring long-term care. And the loss of one or more limbs, or their effective use, is a disability.

**Some health insurance industry procedures are not treating limb loss the same as other major medical conditions.** Cancer, heart disease, diabetes and other major medical conditions that require long-term care are covered by most plans (within policy limits), as well as the use of prosthetics to replace knee, hip and shoulder joints. In fact, joint replacement surgery is usually approved as “medically necessary” within 24 to 48 hours.

This used to be the case for limb loss, too. Now some in the insurance industry approve only the amputation, and a prosthetic replacement limb is routinely declared *not* “medically necessary.” By comparison, Medicare and Medicaid approve 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.

**CAN asserts that individuals who suffer limb loss have a serious disability and deserve equal protection under the law. If a health insurance policy covers conditions requiring prosthetic devices for joint replacements, then limb replacement should be covered equally.**

#### A Brief Summary of Major Civil Rights Laws

- **Civil Rights Act of 1964:** Made discrimination unlawful on the basis of race, sex, religion and national origin.
- **Fair Housing Act of 1968:** Expanded 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 funding to make programs accessible to *people with disabilities*.
- **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.

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