

701—287.9(422,423) Prosthetic, orthotic and orthopedic devices.

287.9(1) Prosthetic devices. Sales or rental of prosthetic devices shall be exempt from sales tax. This rule is applicable to sales or rental of prosthetic devices made on or after April 1, 1988.

287.9(2) Orthotic and orthopedic devices. Sales or rental of orthotic and orthopedic devices prescribed for human use which meet the provisions of subrules 20.9(3) and 20.9(4) shall be exempt from sales tax. This rule is applicable to sales or rental of orthotic and orthopedic devices made on or after April 1, 1988.

287.9(3) Definitions.

a. “Prosthetic device” means a piece of special equipment designed to be a replacement or artificial substitute for an absent or missing part of the human body and intended to be dispensed with or without a prescription to an ultimate user. See subrule 20.7(1), paragraph “b,” for a definition and examples of the term “ultimate user.” The term “prosthetic device” includes ostomy, urological, and tracheostomy devices and supplies.

The following is a nonexclusive list of prosthetic devices:

Artificial arteries	Drainage bags	Prescription eyeglasses
Artificial breasts	Hearing aids	Stoma bags
Artificial ears	Ileostomy devices	Tracheal suction catheters
Artificial eyes	Intraocular lenses	Tracheostomy care and
Artificial heart valves	Karaya paste	cleaning starter kits
Artificial implants	Karaya seals	Tracheostomy cleaning
Artificial larynx	Organ implants	brushes
Artificial limbs	Ostomy belts	Tracheostomy tubes
Artificial noses	Ostomy clamps	Urinary catheters
Artificial teeth	Ostomy cleaners	Urinary drainage bags
Cardiac pacemakers	and deodorizers	Urinary irrigation tubing
Contact lenses	Ostomy pouch	Urinary pouches
Cosmetic gloves	Ostomy stoma caps and paste	
Dental bridges and implants	Penile implants	

b. “Orthotic device” means a piece of special equipment designed to straighten a deformed or distorted part of the human body, such as corrective shoes or braces. An orthotic device is an orthopedic device.

c. “Orthopedic device” means a piece of special equipment designed to correct deformities or to preserve and restore the function of the human skeletal system, its articulations and associated structures. A hot tub or spa is not an orthopedic device.

The following is a nonexclusive list of orthopedic devices:

Abdominal belts	Clavicle splints	Nerve stimulators
Alternating pressure mattresses	Corrective braces	Orthopedic implants
Alternating pressure pads	Corrective shoes	Orthopedic shoes
Anti-embolism stockings	Crutch cushions	Patient lifts
Arch supports	Crutch handgrips	Plaster (surgical)
Arm slings	Crutch tips	Rib belts
Artificial sheepskin	Crutches	Rupture belts
Bone cement	Decubitus prevention devices	Sacroiliac supports
Bone nails	Dorsolumbar belts	Sacrolumbar belts
Bone pins	Dorsolumbar supports	Sacrolumbar supports
Bone plates	Elastic bandages	Shoulder immobilizers

Bone screws	Elastic supports	Space shoes
Bone wax	Exercise devices	Splints
Braces	Head halters	Traction equipment
Canes	Hernia belts	Transcutaneous electrical nerve stimulators (tens unit)
Casts	Iliac belts	Trapezes
Cast heels	Invalid rings	Trusses
Cervical braces	Knee immobilizers	Walkers
Cervical collars	Lumbosacral supports	Wheelchairs
Cervical pillows	Muscle stimulators	

d. “*Related devices.*” Sales or rental of devices which are used exclusively in conjunction with prosthetic, orthotic, or orthopedic devices shall be exempt from tax. *Daw Industries, Inc. v. United States*, 714 F.2d 1140 (Fed. Cir. 1983).

e. “*Medical equipment and supplies.*” The scope of the term medical equipment and supplies is broader than the terms prescription drugs or medical devices. While all exempt prescription drugs are medical supplies and all exempt medical devices are medical equipment, not all medical equipment and supplies are exempt medical devices or prescription drugs. The following is a nonexclusive list of items which are medical equipment or supplies, but are not prescription drugs or medical devices exempt from tax under subrules 20.7(1), 20.9(1), 20.9(2), and rule 20.8(422,423). Sales of the below-listed items would generally be taxable. However, for the period between July 1, 1992, and June 30, 1993, sales of the listed items would be exempt from tax if covered by Title XVIII or XIX of the federal Social Security Act. See rule 20.10(422,423).

Adhesive bandages	*Drug infusion devices (other than hypodermic syringes)	*Nebulizers
*Anesthesia trays	Dry aid kits for ears	*Needles (hypodermic)
Aneurysm clips	EKG paper	Overbed tables
Arterial bloodsets	Earmolds	Page turning devices
Aspirators	Electrodes (other than tens units)	Pap smear kits
Athletic supporters	Emesis basins	Paraffin baths
Atomizers	Enema units	Physicians instruments
Autolit	First-aid kits	Pigskin
Back cushions	*Fistula sets	Plasma extractors
Bathing aids	Foam slant pillows	Plasmapheresis units
Bathing caps	Gauze bandages	Plastic heat sealers
Bedpans	Gauze packings	Prescribed device repair kits and batteries
Bedside rails	Gavage containers	Respirators
Bedside tables	Geriatric chairs	Resuscitators
Bedside trays	Grooming aids	Sauna baths
Bedwetting prevention devices	Hand sealers	Security pouches
Belt vibrators	Hearing aid carriers	Servipak dialysis supplies
*Biopsy needles	Hearing aid repair kits	Shelf trays
*Biopsy trays	Heart stimulators	Shower chairs
*Blood administering sets	Heat lamps	Side rails
Blood cell washing equipment	Heat pads	Sitz bath kit
Blood pack holders	*Hemodialysis devices	
Blood pack trays		

Blood pack units	Hemolators	*Small-vein infusion kits
Blood pressure meters	Hospital beds	Specimen containers
Blood processing supplies	Hot water bottles	*Spinal puncture trays
Blood tubing	Ice bags	Sponges (surgical)
Blood warmers	Ident-a-bands	Stairway elevators
		Staples
Breast pumps	Incontinent garments	Steri-peel
Breathing machines	Incubators	Stools
*Cannula systems	Infrared lamps	*Stopcocks
Cardiac electrodes	Inhalators	(intravenous)
Cardiopulmonary equipment	*Insulin infusion devices	Suction equipment
*Catheter trays	Iron lungs	Sunlamps
Chair lifts	Irrigation apparatus	Surgical bandages
Clamps	*Irrigation solutions	Surgical equipment
Clip-on ash trays	*IV administering sets	Suspensories
Commode chairs	IV connectors	Sutures
Connectors	*IV solutions	Thermometers
Contact lens cases	*IV tubing	Toilet aids
Contact lens solution	*Kidney dialysis machines	Tourniquets
Convoluting pads	Laminar flow equipment	Transfer boards
Corrective pessaries	Latex gloves	*Transfusion sets
Cotton balls	Leukopheresis pumps	Tube sealers
Diagnostic kits	Lymphedema pumps	Underpads
Dialysis chairs	Manometer trays	Urinals
Dialysis supplies	Massagers	Vacutainers
*Dialyzers	Maternity belts	Vacuum units
Dietetic scales	Medigrade tubing	Vaporizers
Disposable diapers	Modulung oxygenators	*Venous blood sets
Disposable gloves	Moist heat pads	Vibrators
Disposable underpads	*Myelogram trays	Whirlpools
Donor chairs	Myringotomy tubes	X-ray film
Dressings		

*Sales of these medical devices are exempt as of July 1, 1993.

287.9(4) “*Prescribed*” shall mean a written prescription or an oral prescription, later reduced to writing, issued by:

- a. Persons licensed by the state board of medical examiners to practice medicine or surgery in Iowa.
- b. Persons licensed by the state board of medical examiners to practice osteopathic medicine or surgery in Iowa.
- c. Persons licensed by the state board of podiatry to engage in the practice of podiatry in Iowa.
- d. Persons licensed by the state board of dentistry to practice dentistry in Iowa.
- e. Persons licensed prior to May 10, 1963, to practice osteopathy in Iowa.
- f. Persons licensed by the optometry examiners as therapeutically certified optometrists.
- g. Persons licensed by the board of chiropractic examiners to practice chiropractic in Iowa when dispensing in accordance with Iowa Code chapter 151.

h. Any other person authorized under Iowa law to dispense prescription drugs or medical devices requiring a prescription.

i. Any person licensed in another state in a health field in which, under Iowa law, licensees in this state may legally prescribe drugs.

287.9(5) *Power devices.* Sales or rental of power devices especially designed to operate prosthetic, orthotic or orthopedic devices shall be exempt from tax. This exemption does not include batteries which can be used to operate a number of devices.

This rule is intended to implement Iowa Code sections 422.45(15) and 423.4(4).
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