1   State of Arkansas   *As Engrossed: H3/19/01*   **Act 1470 of 2001**

2   83rd General Assembly   **A Bill**

3   Regular Session, 2001   HOUSE BILL 2363

4

5   By: Representative Roebuck

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8   ## For An Act To Be Entitled

9   AN ACT TO PROVIDE *OPTIONAL* COVERAGE FOR TREATMENT

10   OF THE BONES AND JOINTS OF THE FACE, HEAD AND

11   NECK IN THE SAME MANNER AS COVERAGE FOR TREATMENT

12   OF OTHER BONES AND JOINTS OF THE HUMAN BODY; AND

13   FOR OTHER PURPOSES.

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15   ## Subtitle

16   TO PROVIDE *OPTIONAL* COVERAGE FOR TREATMENT

17   OF THE BONES AND JOINTS OF THE FACE, HEAD

18   AND NECK IN THE SAME MANNER AS COVERAGE FOR

19   TREATMENT OF OTHER BONES AND JOINTS OF

20   THE HUMAN BODY.

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23   BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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25   *SECTION 1.* (a) (1) Every health carrier shall offer optional coverage

26   in its health care plans for the medical treatment of musculoskeletal

27   disorders affecting any bone or joint in the face, neck or head, including

28   temporomandibular joint disorder and craniomandibular disorder. Treatment

29   shall include both surgical and nonsurgical procedures.

30   (2) This coverage shall be provided for medically necessary

31   diagnosis and treatment of these conditions whether they are the result of

32   accident, trauma, congenital defect, developmental defect, or pathology.

33   (3) This coverage shall be the same as that provided for any

34   other musculoskeletal disorder in the body and shall be provided whether

35   prescribed or administered by a physician or dentist.

36   (b) The policyholder shall accept or reject the optional coverage in

1   *writing on the application. The application shall specifically and*

2   *conspicuously inform the policyholder that rejection of the option means that*

3   *covered benefits provided to insureds or enrollees will not include*

4   *"temporomandibular joint disorder (TMJ) or craniomandibular disorder."*

5   *(c) Nothing herein shall prevent an insurer from including such*

6   *coverage for any or all musculoskeletal disorders affecting any bone or joint*

7   *in the face, neck or head as part of a policy's basic coverage, in lieu of*

8   *offering optional coverage.*

9   *(d) This act shall apply to those health care plans issued, delivered,*

10   *renewed, extended, amended, or modified on or after the effective date of*

11   *this act.*

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13   *SECTION 2.   Definitions.*

14   *(1)(A) "Health care plan" means any individual, blanket, or group plan,*

15   *policy, or contract for health care services issued or delivered by a carrier*

16   *in this state, including indemnity and managed care plans.*

17   *(B) "Health care plan" does not mean a plan that provides*

18   *coverage only for:*

19   *(i) A specified accident or accident-only coverage or*

20   *long-term care insurance as defined in the Long-Term Care Insurance Act.*

21   *(ii) A Medicare supplement policy of insurance, as defined*

22   *by the Insurance Commissioner by regulation;*

23   *(iii) Coverage under a plan through Medicare, Medicaid, or*

24   *the Federal Employees Health Benefit Program;*

25   *(iv) Any coverage issued under Chapter 55 of Title 10 of*

26   *the U.S. Code, existing on January 1, 2001, and any coverage issued as*

27   *supplemental to that coverage; and*

28   *(v) Any coverage issued as supplemental to liability*

29   *insurance, workers' compensation or similar insurance;*

30   *(2) "Health carrier" means any accident and health insurance company,*

31   *referred to in law as "disability" insurance company, hospital or medical*

32   *services corporation, or health maintenance organization (including a so-*

33   *called dental maintenance organization), issuing or delivering health care*

34   *plans in this state.*

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36   *SECTION 3.   If any provision of this act or the application thereof to any*

1 *person or circumstance is held invalid, the invalidity shall not affect other*

2 *provisions or applications of the act which can be given effect without the*

3 *invalid provision or application, and to this end the provisions of this act*

4 *are declared to be severable.*

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6 *   /s/ Roebuck*

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9 **APPROVED: 4/10/2001**

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