

1 State of Arkansas
2 92nd General Assembly
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4

As Engrossed: H3/13/19

A Bill

HOUSE BILL 1727

5 By: Representative Dotson
6 By: Senator Rapert
7

For An Act To Be Entitled

9 AN ACT CONCERNING COVERAGE BY AN INSURER FOR
10 INTRAOPERATIVE NEUROPHYSIOLOGICAL MONITORING; AND FOR
11 OTHER PURPOSES.
12
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Subtitle

15 CONCERNING COVERAGE BY AN INSURER FOR
16 INTRAOPERATIVE NEUROPHYSIOLOGICAL
17 MONITORING.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code Title 23, Chapter 79, is amended to add an
23 additional subchapter to read as follows:
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25 Subchapter 19 – Coverage for Intraoperative Neurophysiological Monitoring

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27 23-79-1901. Definitions.

28 As used in this subchapter:

29 (1)(A) “Health benefit plan” means:

30 (i) An individual, blanket, or group plan, policy,
31 or contract for healthcare services issued or delivered by an insurer, health
32 maintenance organization, hospital medical service corporation, or church
33 plan in this state; and

34 (ii) Any health benefit program receiving state or
35 federal appropriations from the State of Arkansas, including the Arkansas
36 Medicaid Program and the Arkansas Works Program, or any successor program.



1 (B) "Health benefit plan" includes:

2 (i) Indemnity and managed care plans; and

3 (ii) Nonfederal governmental plans as defined in 29
4 U.S.C. § 1002(32), as it existed on January 1, 2019.

5 (C) "Health benefit plan" does not include:

6 (i) Disability income plans;

7 (ii) Credit insurance plans;

8 (iii) Insurance coverage issued as a supplement to
9 liability insurance;

10 (iv) Medical payments under automobile or homeowners
11 insurance plans;

12 (v) Health benefit plans provided under Arkansas
13 Constitution, Article 5, § 32, the Workers' Compensation Law, § 11-9-101 et
14 seq., or the Public Employee Workers' Compensation Act, § 21-5-601 et seq.;

15 (vi) Plans that provide only indemnity for hospital
16 confinement;

17 (vii) Accident-only plans;

18 (viii) Specified disease plans;

19 (ix) Long-term-care-only plans; or

20 (x) Self-insured government plans;

21 (2) "Healthcare professional" means a person who is licensed,
22 certified, or otherwise authorized by the laws of this state to administer
23 health care in the ordinary course of the practice of his or her profession;
24 and

25 (3) "Intraoperative neurophysiological monitoring" means the use
26 during surgery of electrophysiological methods of monitoring such as
27 electroencephalography, electromyography, and evoked potentials:

28 (A) To localize anatomical structures, including
29 peripheral nerves and sensorimotor complexes, in order to guide a healthcare
30 professional during dissection; or

31 (B) To monitor the functional integrity of neural tissues
32 such as the brain, spinal cords, or peripheral nerves in order to prevent
33 irreversible damage, minimize neurological morbidity, and reduce the risk of
34 neurological deficits that may result from surgeries that involve the nervous
35 system.

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1 23-79-1902. Intraoperative neurophysiological monitoring – Coverage
2 required.

3 (a)(1) This subchapter applies to a health benefit plan delivered,
4 issued for delivery, reissued, or extended in Arkansas on or after January 1,
5 2020, or at any time when any term of the health benefit plan is changed or
6 any premium adjustment is made thereafter.

7 (2) Notwithstanding subdivision (a)(1) of this section, this
8 subchapter applies to the Arkansas Medicaid Program on and after January 1,
9 2020.

10 (b)(1) A health benefit plan shall provide coverage and reimbursement
11 for intraoperative neurophysiological monitoring provided through
12 telemedicine under the Telemedicine Act, § 17-80-401 et seq., per hour, and
13 on the same basis as the health benefit plan provides coverage and
14 reimbursement for health services provided in person.

15 (2) Coverage and reimbursement required for intraoperative
16 neurophysiological monitoring under subdivision (b)(1) of this section
17 includes intraoperative neurophysiological monitoring provided:

18 (A) From outside the operating room, whether remotely or
19 on site; and

20 (B) For one (1) or more patients, while each patient is in
21 the operating room.

22 (c) A health benefit plan shall reimburse for intraoperative
23 neurophysiological monitoring if intraoperative neurophysiological monitoring
24 is ordered by a treating healthcare professional who has, in his or her sole
25 discretion, made the determination that the intraoperative neurophysiological
26 monitoring is necessary or appropriate.

27 (d) A health benefit plan shall reimburse for intraoperative
28 neurophysiological monitoring under Current Procedural Terminology code 95941
29 at the usual and customary rates if the interpreting healthcare professional
30 is:

31 (1) A physician licensed by the Arkansas State Medical Board;
32 and

33 (2) Privileged to render intraoperative neurophysiological
34 monitoring in a medical facility where the surgical procedure is performed.

35 (e) This subchapter prohibits a health benefit plan from limiting
36 coverage for intraoperative neurophysiological monitoring provided through

1 telemedicine for medically necessary services, subject to the same terms and
2 conditions of the covered person's health benefit plan that apply to services
3 provided in person.

4 (f)(1) The Insurance Commissioner shall promulgate rules
5 to implement this subchapter.

6 (2)(A) When adopting the initial rules to implement this
7 subchapter, the final rule shall be filed with the Secretary of State for
8 adoption under § 25-15-204(f):

9 (i) On or before January 1, 2020; or

10 (ii) If approval under § 10-3-309 has not occurred
11 by January 1, 2020, as soon as practicable after approval under § 10-3-309.

12 (B) The commissioner shall file the proposed rule with the
13 Legislative Council under § 10-3-309(c) sufficiently in advance of January 1,
14 2020, so that the Legislative Council may consider the rule for approval
15 before January 1, 2020.

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17 */s/Dotson*
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