

INTERIM STUDY PROPOSAL 2021-139

State of Arkansas

93rd General Assembly

Third Extraordinary Session, 2022

A Bill

ANS/ANS

HOUSE BILL

By: Representative Pilkington

Filed with: House Committee on Insurance and Commerce
pursuant to A.C.A. §10-3-217.

For An Act To Be Entitled

AN ACT TO MANDATE THAT INSURANCE POLICIES COVER
SCREENING FOR DEPRESSION OF BIRTH MOTHERS AT THE TIME
OF BIRTH; AND FOR OTHER PURPOSES.

Subtitle

TO MANDATE THAT INSURANCE POLICIES COVER
SCREENING FOR DEPRESSION OF BIRTH MOTHERS
AT THE TIME OF BIRTH.

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

SECTION 1. Arkansas Code Title 23, Chapter 79, is amended to add an
additional subchapter to read as follows:

Subchapter 24 – Coverage for Birth Mother Screening for Depression

23-79-2401. Definitions.

As used in this subchapter:

(1) "Birth mother" means the biological mother of a child;

(2) "Depression" means a mental illness classified as a mood
disorder that causes a persistent feeling of sadness and a loss of interest;

(3)(A) "Health benefit plan" means:

(i) An individual, blanket, or group plan or a
policy, or contract for healthcare services issued or delivered by a
healthcare insurer; and

1 (ii) Any health benefit program receiving state or
2 federal appropriations from the State of Arkansas, including the Arkansas
3 Medicaid Program and the Arkansas Health and Opportunity for Me Program, or
4 any successor program.

5 (B) “Health benefit plan” includes:

6 (i) Indemnity and managed care plans; and
7 (ii) Nonfederal governmental plans as defined in 29
8 U.S.C. § 1002(32), as it existed on January 1, 2024.

9 (C) “Health benefit plan” does not include:

- 10 (i) A disability income plan;
11 (ii) A credit insurance plan;
12 (iii) Insurance coverage issued as a supplement to
13 liability insurance;
14 (iv) A medical payment under automobile or
15 homeowner’s insurance plans;
16 (v) A health benefit plan provided under Arkansas
17 Constitution, Article 5, § 32, the Workers’ Compensation Law, § 11-9-101 et
18 seq., or the Public Employee Workers’ Compensation Act, § 21-5-601 et seq.;
19 (vi) A plan that provides only indemnity for
20 hospital confinement;
21 (vii) An accident-only plan;
22 (viii) A specified disease plan;
23 (ix) A long-term-care-only plan;
24 (x) A dental-only plan; or
25 (xi) A vision-only plan;

26 (4) “Healthcare insurer” means an entity subject to the
27 insurance laws of this state or the jurisdiction of the Insurance
28 Commissioner that contracts or offers to contract to provide health insurance
29 coverage, including without limitation an insurance company, a health
30 maintenance organization, a hospital medical service corporation, a self-
31 insured governmental or church plan in this state, or the Arkansas Medicaid
32 Program; and

33 (5) “Healthcare professional” means a person who is licensed,
34 certified, or otherwise authorized by the laws of this state to administer
35 health care in the ordinary course of the practice of his or her profession.

1 23-79-2402. Coverage for birth mother screening for depression.

2 (a) A healthcare insurer that offers, issues, or renews a health
3 benefit plan in this state shall provide coverage for screening for
4 depression of the birth mother by a healthcare professional at the time of
5 birth on or after January 1, 2024.

6 (b) The coverage for screening for depression of the birth mother
7 under this section:

8 (1) Is not subject to policy deductibles or copayment
9 requirements; and

10 (2) Does not diminish or limit benefits otherwise allowable
11 under a health benefit plan.

12 (c) Coverage provided for screening under subsection (a) of this
13 section for a government self-insured plan is subject to any health benefit
14 plan provisions that apply to other services covered by the health benefit
15 plan.

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18 Referred by Representative Pilkington

19 Prepared by: ANS/ANS
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