

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**

A Bill ACT 920 OF 1991
HOUSE BILL 1886

4 **By: Representative Hutchinson**

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For An Act To Be Entitled

8 "AN ACT TO AMEND TITLE 23, CHAPTERS 85 AND 86 OF THE
9 ARKANSAS CODE OF 1987 TO EXTEND COVERAGE OF IN VITRO
10 FERTILIZATION FOR SERVICES PERFORMED ON AN OUTPATIENT
11 BASIS; AND FOR OTHER PURPOSES."

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

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15 SECTION 1. Ark. Code 23-85-137 is hereby amended to read as follows:

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17 "23-85-137. In vitro fertilization coverage required.

18 (a) All disability insurance companies doing business in this state
19 shall include, as a covered expense, in vitro fertilization.

20 (b) The Insurance Commissioner, pursuant to the applicable provisions
21 of the Insurance Code, 23-60-101 et seq., may suspend or revoke the
22 certificate of authority of any insurance company failing to comply with the
23 provisions of this section.

24 (c) After conducting appropriate studies and public hearings, the
25 Insurance Commissioner shall establish minimum and maximum levels of coverage
26 to be provided by the disability insurance companies.

27 (d) Coverage required under this section shall include services
28 performed at a medical facility, licensed or certified by the Arkansas
29 Department of Health, those performed at a facility certified by the Arkansas
30 Department of Health which conforms to the American College of Obstetricians
31 and Gynecologists guidelines for in vitro fertilization clinics or those
32 performed at a facility certified by the Arkansas Department of Health which
33 meets the American Fertility Society minimal standards for programs of in
34 vitro fertilization.

35 (e) Continued certification shall require that the facility is
36 achieving a reasonable success rate with both fertilization and births.

1 (f) Appropriate laboratory facilities must be provided by the entity
2 requesting certification."

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4 SECTION 2. Ark. Code 23-86-118 is hereby amended to read as follows:

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6 "23-86-118. In vitro fertilization coverage required.

7 (a) All disability insurance companies doing business in this state
8 shall include, as a covered expense, in vitro fertilization.

9 (b) The Insurance Commissioner, pursuant to the applicable provisions
10 of the Insurance Code, 23-60-101 et seq., may suspend or revoke the
11 certificate of authority of any insurance company failing to comply with the
12 provisions of this section.

13 (c) After conducting appropriate studies and public hearings, the
14 Insurance Commissioner shall establish minimum and maximum levels of coverage
15 to be provided by the disability insurance companies.

16 (d) Coverage required under this section shall include services
17 performed at a medical facility, licensed or certified by the Arkansas
18 Department of Health, those performed at a facility certified by the Arkansas
19 Department of Health which conforms to the American College of Obstetricians
20 and Gynecologists guidelines for in vitro fertilization clinics or those
21 performed at a facility certified by the Arkansas Department of Health which
22 meets the American Fertility Society minimal standards for programs of in
23 vitro fertilization."

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25 SECTION 3. All provisions of this act of a general and permanent nature
26 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
27 Revision Commission shall incorporate the same in the Code.

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29 SECTION 4. If any provision of this act or the application thereof to
30 any person or circumstance is held invalid, such invalidity shall not affect
31 other provisions or applications of the act which can be given effect without
32 the invalid provision or application, and to this end the provisions of this
33 act are declared to be severable.

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35 SECTION 5. All laws and parts of laws in conflict with this act are

1 hereby repealed.

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3 SECTION 6. Emergency. It is hereby found and determined by the
4 Seventy-Eighth General Assembly that current regulations concerning in vitro
5 fertilization coverage by disability insurance companies restrict the
6 availability of this procedure to citizens of this state; that the procedure
7 should be available to anyone seeking the service without regard to
8 geographical location in this state; that two (2) nationally recognized
9 organizations have established guidelines and standards for the protection of
10 the citizens of this state; that it is in the best interests of the citizens
11 of this state that this act become effective immediately upon its passage.
12 Therefore, an emergency is hereby declared to exist and this act being
13 necessary for the preservation of the public peace, health and safety shall be
14 in full force and effect from and after its passage and approval.

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APPROVED: 3/29/91

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