

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997
4

As Engrossed: H3/26/97

A Bill

ACT 1249 OF 1997
HOUSE BILL 1797

5 By: Representatives Malone, Wallis, Wren, Baker, Beatty, Ferrell, Flanagan, Goodwin, McGee, Purdom, Schexnayder, Judy Smith,
6 and Stalnaker
7
8

For An Act To Be Entitled

9
10 "AN ACT TO REQUIRE DIABETES SELF-MANAGEMENT TRAINING AND
11 CERTAIN EQUIPMENT, SUPPLIES, AND SERVICES FOR TREATMENT OF
12 DIABETES TO BE COVERED BY HEALTH INSURANCE POLICIES; TO
13 SPECIFY COVERAGE LIMITATIONS FOR DIABETES SELF-MANAGEMENT
14 TRAINING; AND FOR OTHER PURPOSES."

Subtitle

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17 "TO REQUIRE DIABETES SELF-MANAGEMENT
18 TRAINING AND CERTAIN EQUIPMENT,
19 SUPPLIES, AND SERVICES FOR TREATMENT OF
20 DIABETES TO BE COVERED BY HEALTH
21 INSURANCE POLICIES."
22

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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SECTION 1. As used in this act:

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26 (1) "Diabetes self-management training" means instruction in an
27 inpatient or outpatient setting including medical nutrition therapy relating
28 to diet, caloric intake and diabetes management, excluding programs the
29 primary purposes of which are weight reduction, which enables diabetic
30 patients to understand the diabetic management process and daily management of
31 diabetic therapy as a method of avoiding frequent hospitalizations and
32 complications when the instruction is provided in accordance with a program in
33 compliance with the National Standards for Diabetes Self-Management Education
34 Program as developed by the American Diabetes Association;

35 (2) "Health insurance policy" means a group insurance policy, contract
36 or plan or an individual policy, contract or plan which provides medical

1 coverage on an expense incurred, service, or prepaid risk-sharing basis. The
2 term includes, but is not limited to, a policy, contract, or plan issued by an
3 entity subject to any the following laws:

4 (A) the Arkansas Insurance Code, A.C.A. § 23-60-101, et seq.;

5 (B) A.C.A. § 23-74-101, et seq. relating to fraternal benefit
6 societies;

7 (C) A.C.A. § 23-75-101, et seq. pertaining to hospital medical
8 service corporations;

9 (D) A.C.A. § 23-76-101, et seq. pertaining to health maintenance
10 organizations; and

11 (E) any successor law of the foregoing.

12 (3) "Health care insurer" means any insurance company, fraternal
13 benefit society, hospital and medical services corporation, or health
14 maintenance organization issuing or delivering a health insurance policy
15 subject to any the following laws:

16 (A) the Arkansas Insurance Code, A.C.A. § 23-60-101, et seq.;

17 (B) A.C.A. § 23-74-101, et seq. relating to fraternal benefit
18 societies;

19 (C) A.C.A. § 23-75-101, et seq. pertaining to hospital medical
20 service corporations;

21 (D) A.C.A. § 23-76-101, et seq. pertaining to health maintenance
22 organizations; and

23 (E) any successor law of the foregoing.

24
25 SECTION 2. (a) Every health insurance policy shall include coverage
26 for one per lifetime training program per insured for diabetes self-management
27 training when medically necessary as determined by a physician and when
28 provided by an appropriately licensed health care professional upon
29 certification by the health care professional providing the training that the
30 insured patient has successfully completed the training.

31 (b) Every health care insurer shall offer, in addition to the one
32 lifetime training program provided in subsection (a), additional diabetes
33 self-management training in the event that a physician prescribes additional
34 diabetes self-management training and it is medically necessary because of a
35 significant change in the insureds symptoms or conditions.

36 (c) A licensed health care professional shall only provide diabetes

1 self-management training within his or her scope of practice after having
2 demonstrated expertise in diabetes care and treatment and after having
3 completed an educational program required by his or her licensing board when
4 that program is in compliance with the National Standards for Diabetes
5 Self-Management Education Program as developed by the American Diabetes
6 Association.

7 (d) Diabetes self-management training shall be provided only upon
8 prescription by a physician licensed under § 17-95-201, et seq.

9 (e) Nothing in this act shall be construed to prohibit health care
10 insurers from selectively negotiating contracts with qualified providers of
11 diabetes self-management training programs.

12

13 SECTION 3. (a) Every health insurance policy shall include medical
14 coverage for medically necessary equipment, supplies and services for the
15 treatment of Type I, Type II, and gestational diabetes, when prescribed by a
16 physician licensed under § 17-95-201 et seq.

17 (b) The coverage required by this section shall be consistent with that
18 established for other services covered by a given health insurance policy in
19 regards to any of the following:

20 (1) deductibles, coinsurance, other patient cost-sharing amounts
21 or out-of-pocket limits; or

22 (2) prior authorization or other utilization review requirements
23 or processes.

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25 SECTION 4. This act shall not be construed as prohibiting a health
26 insurance policy from excluding from coverage diabetes self management
27 training or equipment, supplies and related services for the treatment of Type
28 I, Type II, or gestational diabetes when the training, equipment, supplies and
29 services are not medically necessary, provided that the medical necessity
30 determination is made in accordance with generally accepted standards of the
31 medical profession and other applicable laws and regulations.

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33 SECTION 5. The Insurance Department shall develop and promulgate
34 regulations to implement the provisions of this act.

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36 SECTION 6. (a) This act shall apply to any health insurance policy

1 that is delivered, issued for delivery, renewed, extended, or modified in this
2 state on or after the effective date of this act.

3 (b) If a health insurance policy provides coverage or benefits to an
4 Arkansas resident, the policy shall be deemed to be delivered in this state
5 within the meaning of this act, regardless of whether the health care insurer
6 or other entity that provides the coverage is located within or outside of
7 Arkansas.

8

9 SECTION 7. This act shall not apply to:

10 (1) long-term care plans;

11 (2) disability income plans;

12 (3) short-term non-renewable individual health insurance policies that
13 expire after six (6) months;

14 (4) medical payments under homeowner or automobile insurance policies;

15 and

16 (5) workers compensation insurance.

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18 SECTION 8. All provisions of this act of a general and permanent nature
19 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
20 Revision Commission shall incorporate the same in the Code.

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22 SECTION 9. If any provision of this act or the application thereof to
23 any person or circumstance is held invalid, such invalidity shall not affect
24 other provisions or applications of the act which can be given effect without
25 the invalid provision or application, and to this end the provisions of this
26 act are declared to be severable.

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28 SECTION 10. All laws and parts of laws in conflict with this act are
29 hereby repealed.

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31 /s/Rep. Malone et al

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33 APPROVED:4-09-97

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