

1 State of Arkansas *As Engrossed: H3/25/13 H3/26/13 H4/4/13*

2 89th General Assembly

A Bill

3 Regular Session, 2013

HOUSE BILL 2121

4

5 By: Representatives Hawthorne, E. Armstrong, Baltz, Ferguson, Kizzia, Scott

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For An Act To Be Entitled

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AN ACT TO REQUIRE HEALTH BENEFITS PLANS TO PROVIDE

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FOR CORRECTIVE SURGERY AND TREATMENT FOR CRANIOFACIAL

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ANOMALY; AND FOR OTHER PURPOSES.

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Subtitle

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TO REQUIRE HEALTH BENEFIT PLANS TO

15

PROVIDE FOR CORRECTIVE SURGERY AND

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TREATMENT FOR CRANIOFACIAL ANOMALY.

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

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

23 Subchapter 15 – Coverage for Craniofacial Anomaly Corrective Surgery

24 23-79-1501. Definitions.

25 As used in this subchapter:

26 (1) "Corrective surgery" means the use of surgery to alter the
27 form and function of the cranial facial tissues due to a congenital or
28 acquired musculoskeletal disorder;

29 (2) "Craniofacial anomaly" means a congenital or acquired
30 musculoskeletal disorder that primarily affects the cranial facial tissue;
31 and

32 (3)(A) "Health benefit plan" means an individual, blanket, or
33 group plan, policy, or contract for health care services issued or delivered
34 by a health care insurer, health maintenance organization, hospital medical
35 service corporation, or self-insured governmental or church plan in this
36 state.



1 (B) "Health benefit plan" includes:

2 (i) Indemnity and managed care plans; and

3 (ii) Governmental plans as defined in 29 U.S.C. §
4 1002(32), as it existed on January 1, 2013, except governmental self-financed
5 insurance organizations.

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

7 (i) Disability income plans;

8 (ii) Credit insurance plans;

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

11 (vi) Medical payments under automobile or
12 homeowners' insurance plans;

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

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

18 (vii) Accident only plans; or

19 (viii) Specified disease plans.

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21 23-79-1502. Craniofacial anomaly – Coverage for corrective surgery
22 required.

23 (a)(1) A health benefit plan that is offered, issued, or renewed in
24 this state shall include coverage for corrective surgery and related medical
25 care for a person of any age who is diagnosed as having a craniofacial
26 anomaly if the surgery and treatment are medically necessary to improve a
27 functional impairment that results from the craniofacial anomaly as
28 determined by a nationally accredited cleft-craniofacial team.

29 (2) A nationally accredited cleft-craniofacial team for cleft-
30 craniofacial conditions shall:

31 (A) Evaluate persons with craniofacial anomalies; and

32 (B) Coordinate a treatment plan for each person.

33 (3) After one (1) denial or any limitation of coverage that is based
34 on the lack of medical necessity to improve a functional impairment, the case
35 shall be referred for an external review under State Insurance Department
36 Rule 76, the Arkansas External Review Regulation.

1 (b) Medical care coverage required under this section includes
2 corrective surgery, dental care, vision care, and the use of at least one (1)
3 hearing aid.

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5 23-79-1503. Rules.

6 The State Insurance Department shall develop and promulgate rules for
7 the implementation and administration of this subchapter.

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9 /s/Hawthorne

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12 **APPROVED: 04/15/2013**