Stricken language would be deleted from and underlined language would be added to present law. Act 464 of the Regular Session

1	State of Arkansas As Engrossed: $H2/28/13$ S3/11/13 89th General Assembly $As Engrossed: H2/28/13$ S3/11/13
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3	Regular Session, 2013 HOUSE BILL 1267
4	Dev Development disease Versia Development Commission Classical Commission Commission Classical Commission Classical Commission Classical Commission Classical Commission Classical Commission Commission Classical Commission Classical Commission Classical Commission Classical Commission Commission Classical Commission Commission Classical Commission Classical Commission Classical Commission Commission Classical Commission
5	By: Representatives Kerr, Branscum, Carnine, Clemmer, Cozart, Ferguson, Gillam, Gossage, Hobbs,
6	Leding, Linck, Lowery, Magie, Sabin
7 8	By: Senators J. Dismang, Holland, J. Hutchinson, J. Key, Rapert
9	For An Act To Be Entitled
10	AN ACT TO REQUIRE A PRIOR APPROVAL PROCESS FOR
11	EXPERIMENTAL AND INVESTIGATIONAL SURGICAL PROCEDURES
12	AND MEDICAL DEVICES; AND FOR OTHER PURPOSES.
13	THE THE TOTAL SECTIONS, THE TOTAL TOTAL SECTIONS.
14	
15	Subtitle
16	AN ACT TO REQUIRE A PRIOR APPROVAL
17	PROCESS FOR EXPERIMENTAL AND
18	INVESTIGATIONAL SURGICAL PROCEDURES AND
19	MEDICAL DEVICES.
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22	BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24	SECTION 1. Arkansas Code Title 23, Chapter 86, Subchapter 1, is
25	amended to add an additional section to read as follows:
26	23-86-122. Prior approval process for experimental and investigational
27	surgical products and medical devices.
28	(a) "Health carrier" means a health maintenance organization, hospital
29	medical service corporation, or a disability insurance company.
30	(A) "Health carrier" includes a self-insured governmental
31	or church plan and third-party administrators that administer or adjust
32	disability benefits for a disability insurer, hospital medical service
33	corporation, health maintenance organization, self-insured governmental plan
34	or self-insured church plan.
35	(B) "Health carrier" does not include:
36	(i) An automobile insurer paying medical or hospital

1	benefits under § 23-89-202(1) or a self-insured employer health benefits
2	plan; or
3	(ii) A person, company, or organization licensed or
4	registered to issue or who issues any insurance policy or insurance contract
5	in this state as described in §§ 23-62-102 and 23-62-104 — 23-62-107
6	providing medical or hospital benefits for accidental injury or disability.
7	(b) A health carrier that excludes or denies coverage for a specific
8	surgical product or medical device approved for marketing by the United
9	States Food and Drug Administration as experimental, investigational, or both
10	shall develop a process by which a surgeon, before utilizing the device or
11	treatment, may present medical evidence to obtain a review for the individual
12	patient for coverage of the surgical product or medical device.
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14	/s/Kerr
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17	APPROVED: 03/21/2013
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