

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas  
2 88th General Assembly  
3 Regular Session, 2011  
4

As Engrossed: S3/9/11 S3/10/11

# A Bill

SENATE BILL 66

5 By: Senator J. Jeffress  
6

## For An Act To Be Entitled

8 AN ACT TO REQUIRE HEALTH BENEFIT PLANS TO PROVIDE  
9 COVERAGE FOR THE TREATMENT OF MORBID OBESITY; AND FOR  
10 OTHER PURPOSES.  
11

## Subtitle

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14 AN ACT TO REQUIRE HEALTH BENEFIT PLANS TO  
15 PROVIDE COVERAGE FOR THE TREATMENT OF  
16 MORBID OBESITY.  
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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21 SECTION 1. *DO NOT CODIFY. Legislative findings.*

22 The General Assembly finds that:

23 (1) Morbid obesity causes many medical problems and costly  
24 health complications, such as diabetes, hypertension, heart disease, and  
25 stroke;

26 (2) The cost of managing the complications of morbid obesity,  
27 largely due to inadequate treatment, far outweighs the cost of expeditious,  
28 effective medical treatment;

29 (3) Guidelines developed by the National Institutes of Health,  
30 the American Society for Bariatric Surgery, the American Obesity Association,  
31 and Shape Up America and embraced by the American Medical Association and the  
32 American College of Surgeons recommend that patients who are morbidly obese  
33 receive responsible, affordable medical treatment for their obesity; and

34 (4) The diagnosis and treatment of morbid obesity should be a  
35 clinical decision made by a physician based on evidence-based guidelines.  
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1            SECTION 2. DO NOT CODIFY. Definitions.

2            As used in this subchapter:

3            (1) "Body mass index" means body weight in kilograms divided by  
4 height in meters squared; and

5            (2)(A) "Morbid obesity" means a weight that is at least two (2)  
6 times the ideal weight for frame, age, height, and gender of an individual as  
7 determined by an examining physician.

8            (B) Morbid obesity may be measured as a body mass index:

9            (i) Equal to or greater than thirty-five kilograms  
10 per meter squared (35 kg/m<sup>2</sup>)with comorbidity or coexisting medical conditions  
11 such as hypertension, cardiopulmonary conditions, sleep apnea, or diabetes;  
12 or

13            (ii) Greater than forty (40) kilograms per meter  
14 squared (40 kg/m<sup>2</sup>).

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16            SECTION 3. DO NOT CODIFY. Pilot Program on coverage for morbid  
17 obesity diagnosis and treatment.

18            (a)(1) A state and public school employees health benefit plan that is  
19 offered, issued, or renewed on or after January 1, 2012, shall offer coverage  
20 for the diagnosis and treatment of morbid obesity.

21            (2) The coverage for morbid obesity offered under subdivision  
22 (a)(1) of this section includes without limitation coverage for bariatric  
23 surgery including:

24            (A) Gastric bypass surgery;

25            (B) Adjustable gastric banding surgery;

26            (C) Sleeve gastrectomy surgery, and

27            (D) Duodenal switch biliopancreatic diversion.

28            (b) A state and public school employees health benefit plan shall  
29 offer the benefits under this section to the same extent as for other  
30 medically necessary surgical procedures under the enrollee's or insured's  
31 contract or policy with the entity.

32            (c) The coverage for morbid obesity diagnosis and treatment offered  
33 under this subchapter does not diminish or limit benefits otherwise allowable  
34 under a state and public school employees health benefit plan.

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36            SECTION 4. DO NOT CODIFY. RULES.

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The State and Public School Life and Health Insurance Board shall adopt rules to implement this subchapter.

SECTION 5. DO NOT CODIFY. This act shall become null and void and cease to have any effect at midnight on December 31, 2017.

/s/J. Jeffress