

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.

INTERIM STUDY PROPOSAL 2009-083

State of Arkansas

As Engrossed: S3/19/09 S3/30/09

87th General Assembly

A Bill

Regular Session, 2009

SENATE BILL 940

By: Senator Elliott

Filed with: Senate Interim Committee on Insurance and Commerce
pursuant to A.C.A. §10-3-217.

For An Act To Be Entitled

AN ACT TO REQUIRE HEALTH INSURANCE COVERAGE FOR
RECONSTRUCTIVE SURGERY FOR CRANIOFACIAL
ABNORMALITIES UNDER CERTAIN CONDITIONS; AND FOR
OTHER PURPOSES.

Subtitle

AN ACT TO REQUIRE HEALTH INSURANCE
COVERAGE FOR CRANIOFACIAL RECONSTRUCTION
UNDER CERTAIN CONDITIONS.

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

SECTION 1. Arkansas Code Title 23, Chapter 86 is amended to add an additional subchapter to read as follows:

23-86-601. Title.

This subchapter shall be known and may be cited as the "Craniofacial Reconstructive Surgery Act of 2009".

23-86-602. Definitions.

As used in this subchapter:

(1) "Cosmetic surgery" means surgery that is performed to alter or reshape normal structures of the body in order to improve appearance;

(2) "Health benefit plan" means any policy, contract, or agreement offered by an insurance company, health maintenance organization,



1 or hospital and medical services corporation to provide, reimburse, or pay
2 for health care services, but does not include the following:

3 (A) Workers' compensation coverage;

4 (B) Self-funded or self-insured health plans, unless the
5 plan is established or maintained for employees of a governmental or church
6 entity;

7 (C) Health plans covering specific diseases other than
8 dental plans;

9 (D) Hospital indemnity insurance;

10 (E) Long-term care insurance;

11 (F) Short-term limited duration insurance;

12 (G) Accident only insurance;

13 (H) Medicare supplement insurance; or

14 (I) Other supplemental insurance;

15 (3) "Health insurance coverage" means benefits consisting of
16 medical, pharmaceutical, optometric, surgical, or hospitalization, or other
17 goods or services for the purpose of preventing, alleviating, curing, or
18 healing human illness provided, directly or indirectly, through insurance,
19 reimbursement, or otherwise, including items and services paid for under any
20 policy, certificate, or agreement offered by a health benefits plan;

21 (4) "Licensed physician or dentist trained in evaluation and
22 treatment of specific craniofacial disorders" includes:

23 (A) A craniofacial orthodontist;

24 (B) A genetecist;

25 (C) A neurosurgeon;

26 (D) An ophthalmologist;

27 (E) An otolaryngologist;

28 (F) An oral and maxillofacial surgeon;

29 (G) A plastic and reconstructive surgeon; and

30 (H) A pediatric surgeon;

31 (5)(A) "Reconstructive surgery for craniofacial abnormalities"
32 means surgery to restore, construct, or reconstruct pediatric and adult
33 craniofacial deficiencies or abnormalities resulting from congenital defects,
34 disease, trauma, or abnormal growth processes as defined by a licensed
35 physician or dentist trained in evaluation and treatment of specific
36 craniofacial disorders.

1 (B) "Reconstructive surgery for craniofacial
2 abnormalities" includes secondary deformities arising from essential
3 treatment and continued or disrupted growth of normal facial structures so as
4 to establish an appearance or restore function consistent with standard
5 facial structure and function.

6 (C) "Reconstructive surgery for craniofacial
7 abnormalities" does not include:

8 (i) Cosmetic surgery when performed for purposes
9 other than to improve function or restore an acceptable appearance of
10 normalcy or symmetry; or

11 (ii) Dental services for the diagnosis or treatment
12 of dental disorders or dental pathology primarily affecting the gums, teeth,
13 or alveolar ridge; and

14 (6) "Standard facial structure" means the complex of skin, soft
15 tissue, bone, including cranial deformations, mandible, and alveolar ridge,
16 cartilage, teeth, nerves, and muscular structures that compose the human face
17 and personal identity.

18
19 23-86-603. Coverage for reconstructive surgery for craniofacial
20 abnormalities.

21 A health benefit plan that provides coverage for surgery shall provide
22 coverage for reconstructive surgery for craniofacial abnormalities, including
23 medically diagnosed treatment for preoperative and postoperative care as
24 determined by the treating physician or team of physicians.

25
26 23-86-604. Construction.

27 This subchapter does not require a health benefit plan to provide
28 coverage for cosmetic surgery.

29
30 23-86-605. Applicability.

31 (a) This subchapter applies to health insurance coverage offered,
32 sold, issued, renewed, or in effect on and after the effective date of this
33 act.

34 (b)(1) To the extent allowed under federal law, for a health benefit
35 plan maintained under one (1) or more collective bargaining agreements
36 between employee representatives and one (1) or more employers ratified

1 before the effective date of this act, this subchapter does not apply to plan
2 years beginning before the later of:

3 (A) The date on which the last collective bargaining
4 agreement relating to the plan terminates; or

5 (B) January 1, 2010.

6 (2) To the extent allowed under federal law, a plan amendment
7 made under a collective bargaining agreement relating to the plan that amends
8 the plan solely to conform to any requirement under § 23-86-603 is not a
9 termination of the collective bargaining agreement under subdivision
10 (b)(1)(A) of this section.

11
12 /s/ Elliott
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

36 Filed Date: 04/06/2009 By: MGF\VJF