

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

As Engrossed: H3/26/97

# A Bill

HOUSE BILL 1797

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

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## For An Act To Be Entitled

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

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## Subtitle

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

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

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SECTION 1. As used in this act:

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

(2) "Health insurance policy" means a group insurance policy, contract  
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.

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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.

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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.

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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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