

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 84th General Assembly
3 Regular Session, 2003

A Bill

HOUSE BILL 1531

4
5 By: Representatives Roebuck, Cowling
6 By: Senator Horn

For An Act To Be Entitled

10 AN ACT TO REQUIRE HEALTH INSURERS TO PROVIDE
11 COVERAGE FOR RECONSTRUCTIVE SURGERY; AND FOR
12 OTHER PURPOSES.

Subtitle

15 AN ACT TO REQUIRE HEALTH INSURERS TO
16 PROVIDE COVERAGE FOR RECONSTRUCTIVE
17 SURGERY.

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

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

24 23-79-151 Coverage for reconstructive surgery.

25 (a) As used in this section:

26 (1)(A) "Health care plan" means any individual, blanket, or
27 group plan, policy, or contract for health care services issued or delivered
28 by a carrier in this state, including indemnity and managed care plans.

29 (B) "Health care plan" does not mean a plan that provides
30 coverage only for:

31 (i) A specified accident or accident-only coverage
32 or long-term care insurance as defined in the Long-Term Care Insurance Act,
33 § 23-97-201 et seq.;

34 (ii) A Medicare supplement policy of insurance, as
35 defined by the Insurance Commissioner by regulation;

36 (iii) Coverage under a plan through Medicare,



1 Medicaid, or the Federal Employees Health Benefit Program;

2 (iv) Any coverage issued under Chapter 55 of Title
3 10 of the United States Code, existing on January 1, 2003, and any coverage
4 issued as supplemental to that coverage; and

5 (v) Any coverage issued as supplemental to liability
6 insurance, workers' compensation, or similar insurance;

7 (2) "Health carrier" means any accident and health insurance
8 company, referred to in law as disability insurance company, hospital or
9 medical services corporation, or health maintenance organization, issuing or
10 delivering health care plans in this state;

11 (3) "Cosmetic surgery" means surgery that is performed to alter
12 or reshape normal structures of the body in order to improve the patient's
13 appearance; and

14 (4) "Reconstructive surgery" means surgery performed to correct
15 or repair abnormal structures of the body caused by congenital defects,
16 developmental abnormalities, trauma, infection, tumors, or disease to do
17 either or both of the following:

18 (A) To improve function; and

19 (B) To create a normal appearance, to the extent possible.

20 (b)(1) Every health carrier shall offer optional coverage in its
21 health care plans for reconstructive surgery.

22 (2) This coverage shall be provided for medically necessary
23 diagnosis and treatment whether the condition is the result of congenital
24 defects, developmental abnormalities, trauma, infection, tumors, or disease.

25 (3) This coverage shall be the same as that provided for any
26 other disorder in the body.

27 (c)(1) The policyholder shall accept or reject the optional coverage
28 in writing on the application.

29 (2) The application shall specifically and conspicuously inform
30 the policyholder that rejection of the option means that covered benefits
31 provided to insureds or enrollees will not include reconstructive surgery.

32 (d) This section does not prevent an insurer from including coverage
33 for any or all reconstructive surgery as part of a policy's basic coverage,
34 in lieu of offering optional coverage.

35 (e) This section shall apply to those health care plans issued,
36 delivered, renewed, extended, amended, or modified beginning on the effective

1 date of this section.
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