

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 87th General Assembly  
3 Regular Session, 2009  
4

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

# A Bill

SENATE BILL 940

5 By: Senator Elliott  
6  
7

## For An Act To Be Entitled

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

## Subtitle

15 AN ACT TO REQUIRE HEALTH INSURANCE  
16 COVERAGE FOR CRANIOFACIAL RECONSTRUCTION  
17 UNDER CERTAIN CONDITIONS.  
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19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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22 *SECTION 1. Arkansas Code Title 23, Chapter 86 is amended to add an*  
23 *additional subchapter to read as follows:*

24 *23-86-601. Title.*

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

27  
28 *23-86-602. Definitions.*

29 *As used in this subchapter:*

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

32 *(2) "Health benefit plan" means any policy, contract, or*  
33 *agreement offered by an insurance company, health maintenance organization,*  
34 *or hospital and medical services corporation to provide, reimburse, or pay*  
35 *for health care services, but does not include the following:*

36 *(A) Workers' compensation coverage;*



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

4 (C) Health plans covering specific diseases other than  
5 dental plans;

6 (D) Hospital indemnity insurance;

7 (E) Long-term care insurance;

8 (F) Short-term limited duration insurance;

9 (G) Accident only insurance;

10 (H) Medicare supplement insurance; or

11 (I) Other supplemental insurance;

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

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

20 (A) A craniofacial orthodontist;

21 (B) A genetecist;

22 (C) A neurosurgeon;

23 (D) An ophthalmologist;

24 (E) An otolaryngologist;

25 (F) An oral and maxillofacial surgeon;

26 (G) A plastic and reconstructive surgeon; and

27 (H) A pediatric surgeon;

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

34 (B) "Reconstructive surgery for craniofacial  
35 abnormalities" includes secondary deformities arising from essential  
36 treatment and continued or disrupted growth of normal facial structures so as

1 to establish an appearance or restore function consistent with standard  
2 facial structure and function.

3 (C) "Reconstructive surgery for craniofacial  
4 abnormalities" does not include:

5 (i) Cosmetic surgery when performed for purposes  
6 other than to improve function or restore an acceptable appearance of  
7 normalcy or symmetry; or

8 (ii) Dental services for the diagnosis or treatment  
9 of dental disorders or dental pathology primarily affecting the gums, teeth,  
10 or alveolar ridge; and

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

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16 23-86-603. Coverage for reconstructive surgery for craniofacial  
17 abnormalities.

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

22  
23 23-86-604. Construction.

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

26  
27 23-86-605. Applicability.

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

31 (b)(1) To the extent allowed under federal law, for a health benefit  
32 plan maintained under one (1) or more collective bargaining agreements  
33 between employee representatives and one (1) or more employers ratified  
34 before the effective date of this act, this subchapter does not apply to plan  
35 years beginning before the later of:

36 (A) The date on which the last collective bargaining

1 agreement relating to the plan terminates; or

2 (B) January 1, 2010.

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

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9 /s/ Elliott  
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