

1 State of Arkansas  
2 90th General Assembly  
3 Regular Session, 2015  
4

# A Bill

HOUSE BILL 1417

5 By: Representatives Womack, Lampkin, Wardlaw  
6 By: Senator Rapert  
7

## For An Act To Be Entitled

9 AN ACT TO MODIFY COVERAGE FOR CRANIOFACIAL ANOMALY  
10 RECONSTRUCTIVE SURGERY; AND FOR OTHER PURPOSES.  
11

## Subtitle

14 TO MODIFY COVERAGE FOR CRANIOFACIAL  
15 ANOMALY RECONSTRUCTIVE SURGERY.  
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
19

20 SECTION 1. Arkansas Code Title 23, Chapter 79, Subchapter 15, is  
21 amended to read as follows:

22 Subchapter 15 – Coverage for Craniofacial Anomaly ~~Corrective~~ Reconstructive  
23 Surgery  
24

25 23-79-1501. Definitions.

26 As used in this subchapter:

27 (1) ~~“Corrective surgery” means the use of surgery to alter the~~  
28 ~~form and function of the cranial facial tissues due to a congenital or~~  
29 ~~acquired musculoskeletal disorder;~~

30 (2) “Craniofacial anomaly” means a congenital or acquired  
31 musculoskeletal disorder that primarily affects the cranial facial tissue;  
32 ~~and~~

33 (3) ~~(A)~~ (2)(A) “Health benefit plan” means an individual, blanket,  
34 or any group plan, policy, or contract for healthcare services issued or  
35 delivered in this state by a healthcare insurer, health maintenance  
36 organization, hospital medical service corporation, or self-insured



1 governmental or church plan in this state.

2 (B) "Health benefit plan" includes:

3 (i) Indemnity and managed care plans; and

4 (ii) ~~Governmental plans as defined in 29 U.S.C. §~~  
 5 ~~1002(32), as it existed on January 1, 2013, except governmental self-financed~~  
 6 ~~insurance organizations~~ Plans providing health benefits to state and public  
 7 school employees under § 21-5-401 et seq.

8 (C) "Health benefit plan" does not include:

9 (i) ~~Disability income plans~~ A disability income  
 10 plan;

11 (ii) ~~Credit insurance plans~~ A credit insurance plan;

12 (iii) Insurance coverage issued as a supplement to  
 13 liability insurance;

14 (iv) Medical payments under an automobile or  
 15 homeowners' insurance ~~plans~~ plan;

16 (v) ~~Health benefit plans~~ A health benefit plan  
 17 provided under Arkansas Constitution, Article 5, § 32, the Workers'  
 18 Compensation Law, § 11-9-101 et seq., and the Public Employee Workers'  
 19 Compensation Act, § 21-5-601 et seq.;

20 (vi) ~~Plans that provide~~ A plan that provides only  
 21 indemnity for hospital confinement;

22 (vii) ~~Accident-only plans~~ An accident-only plan; or

23 (viii) ~~Specified disease plans~~ A specified disease  
 24 plan; and

25 (3) "Reconstructive surgery" means the use of surgery to alter  
 26 the form and function of the cranial facial tissues due to a congenital or  
 27 acquired musculoskeletal disorder.

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 29 23-79-1502. Craniofacial anomaly – Coverage for ~~corrective~~  
 30 reconstructive surgery required.

31 (a)(1) A health benefit plan that is offered, issued, provided, or  
 32 renewed in this state shall include coverage and benefits for ~~corrective~~  
 33 reconstructive surgery and related medical care for a person of any age who  
 34 is diagnosed as having a craniofacial anomaly if the surgery and treatment  
 35 are medically necessary to improve a functional impairment that results from  
 36 the craniofacial anomaly as determined by a nationally ~~accredited~~ approved

1 cleft-craniofacial team, approved by the American Cleft Palate-Craniofacial  
 2 Association in Chapel Hill, North Carolina.

3 (2) A nationally ~~accredited~~ approved cleft-craniofacial team for  
 4 cleft-craniofacial conditions shall:

5 (A) Evaluate ~~persons~~ a person with a craniofacial  
 6 ~~anomalies~~ anomaly; and

7 (B) Coordinate a treatment plan for each person.

8 (3) After one (1) denial or any limitation of coverage that is  
 9 based on the lack of medical necessity to improve a functional impairment,  
 10 the case shall be referred for an external review under State Insurance  
 11 Department Rule 76, the Arkansas External Review Regulation, if applicable,  
 12 or under a similar procedure for external review established by a third-party  
 13 administrator of a health benefit plan.

14 (b) Medical care coverage required under this section includes  
 15 coverage for ~~corrective~~ reconstructive surgery, dental care, vision care, and  
 16 the use of at least one (1) hearing aid.

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 18 23-79-1503. Rules.

19 (a) The State Insurance Department shall develop and promulgate rules  
 20 for the implementation and administration of this subchapter.

21 (b) The State and Public School Life and Health Insurance Board may  
 22 develop and promulgate rules for the administration of this subchapter for  
 23 the plans providing health benefits to state and public school employees  
 24 under § 21-5-401 et seq.

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