

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

As Engrossed: H3/9/17

A Bill

HOUSE BILL 2014

5 By: Representatives Baltz, Farrer
6

For An Act To Be Entitled

8 *AN ACT TO REQUIRE HEALTH INSURANCE COVERAGE FOR*
9 *REGENERATIVE INJECTION THERAPY USED AS A NONSURGICAL*
10 *TREATMENT OF MUSCULOSKELETAL PAIN AND CONNECTIVE*
11 *TISSUE INJURIES; TO DECLARE AN EMERGENCY; AND FOR*
12 *OTHER PURPOSES.*

Subtitle

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16 *TO REQUIRE HEALTH INSURANCE COVERAGE FOR*
17 *REGENERATIVE INJECTION THERAPY USED AS A*
18 *NONSURGICAL TREATMENT OF MUSCULOSKELETAL*
19 *PAIN AND CONNECTIVE TISSUE INJURIES; AND*
20 *TO DECLARE AN EMERGENCY.*

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22
23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
24

25 *SECTION 1. Arkansas Code Title 23, Chapter 79, is amended to add an*
26 *additional subchapter to read as follows:*

27 *Subchapter 17 – Regenerative Injection Therapy Health Insurance Coverage Act*
28 *of 2017*

29
30 *23-79-1701. Title.*

31 *This subchapter shall be known and may be cited as the "Regenerative*
32 *Injection Therapy Health Insurance Coverage Act of 2017".*

33
34 *23-79-1702. Definitions.*

35 *As used in this subchapter:*

36 *(1)(A) "Health benefit plan" means:*



1 (i) An individual, blanket, or group plan, policy,
2 contract, or agreement for healthcare services offered, issued, or delivered
3 by an insurer, health maintenance organization, hospital medical service
4 corporation, or self-insured governmental or church plan in this state to
5 provide, reimburse, or pay for healthcare services; and

6 (ii) Any health benefit program receiving state or
7 federal appropriations from the State of Arkansas, including the Arkansas
8 Medicaid Program and the Health Care Independence Program, commonly referred
9 to as the "Arkansas Works Program", or any successor program.

10 (B) "Health benefit plan" includes:

11 (i) Indemnity and managed care plans; and

12 (ii) Nonfederal governmental plans as defined in 29
13 U.S.C. § 1002(32), as it existed on January 1, 2017, except governmental
14 self-financed insurance organizations.

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

16 (i) Accident-only plans;

17 (ii) Credit insurance plans;

18 (iii) Disability income plans;

19 (iv) Health benefit plans provided under Arkansas
20 Constitution, Article 5, § 32; the Workers' Compensation Law, § 11-9-101 et
21 seq.; or the Public Employee Workers' Compensation Act, § 21-5-601 et seq.;

22 (v) Insurance coverage issued as a supplement to
23 liability insurance;

24 (vi) Long-term care only plans;

25 (vii) Medical payments under automobile or
26 homeowners insurance plans;

27 (viii) Plans that provide only indemnity for
28 hospital confinement; or

29 (ix) Specified disease plans; and

30 (2)(A) "Regenerative injection therapy" means a nonsurgical
31 orthopedic treatment performed by injecting into a joint or soft tissue a
32 substance that stimulates the growth of normal cells and tissues for the
33 purpose of strengthening or repairing a painful or injured joint or
34 connective tissue.

35 (B) "Regenerative injection therapy" includes the
36 injection of:

- 1 (i) Amniotic cellular and noncellular solutions;
2 (ii) Autologous stem cell solutions;
3 (iii) Buffered five percent (5%) dextrose, twelve
4 and five-tenths percent (12.5%) dextrose, and twenty-five percent (25%)
5 dextrose, including hypotonic and hypertonic dextrose solutions; and
6 (iv) Platelet-rich plasma.

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8 23-79-1703. Coverage for regenerative injection therapy.

9 (a)(1) This subchapter applies to all health benefit plans delivered,
10 issued for delivery, reissued, or extended in Arkansas on or after January 1,
11 2018, or at any time when any term of the health benefit plan is changed or
12 any premium adjustment is made thereafter.

13 (2) Notwithstanding subdivision (a)(1) of this section, this
14 subchapter applies to the Arkansas Medicaid Program on and after July 1,
15 2017.

16 (b) A health benefit plan shall include coverage for physical therapy
17 before regenerative injection therapy for a covered person if the physical
18 therapy is:

19 (1) Medically necessary to relieve pain or overcome functional
20 impairment;

21 (2) Determined by a physician to be appropriate to the person's
22 diagnosis and health condition;

23 (3) Performed in a nonphysician-owned clinic or an office of a
24 physical therapist; and

25 (4) Provided for a minimum of twelve (12) visits or treatments.

26 (c) A health benefit plan shall include coverage for regenerative
27 injection therapy for a covered person if the injection therapy is determined
28 by a physician to be appropriate to the person's diagnosis and health
29 condition after completion of the physical therapy treatments required in
30 subsection (b) of this section.

31
32 23-79-1704. Rules.

33 (a) The State Insurance Department shall promulgate rules for the
34 implementation and administration of this subchapter.

35 (b) The State and Public School Life and Health Insurance Board may
36 promulgate rules for the administration of this subchapter for the plans

1 providing health benefits to state and public school employees under § 21-5-
2 401 et seq.

3 (c) The Department of Arkansas State Police may promulgate rules for
4 the administration of this subchapter for the plans providing health benefits
5 to uniformed employees of the Department of Arkansas State Police under § 12-
6 8-210.

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8 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
9 General Assembly of the State of Arkansas that some healthcare insurers have
10 refused to extend coverage for regenerative injection therapy; that
11 regenerative injection therapy will provide a nonsurgical treatment of
12 musculoskeletal pain and connective tissue injuries; and that this act is
13 immediately necessary because the citizens of Arkansas and healthcare
14 professionals need direction about the law regarding healthcare services
15 provided through regenerative injection therapy. Therefore, an emergency is
16 declared to exist, and this act being immediately necessary for the
17 preservation of the public peace, health, and safety shall become effective
18 on:

19 (1) The date of its approval by the Governor;

20 (2) If the bill is neither approved nor vetoed by the Governor,
21 the expiration of the period of time during which the Governor may veto the
22 bill; or

23 (3) If the bill is vetoed by the Governor and the veto is
24 overridden, the date the last house overrides the veto.

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26 /s/Baltz
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