

1 State of Arkansas  
2 93rd General Assembly  
3 Regular Session, 2021  
4

As Engrossed: S3/30/21

# A Bill

SENATE BILL 602

5 By: Senators Irvin, L. Eads  
6

## For An Act To Be Entitled

8 AN ACT TO MODIFY THE LAW CONCERNING COVERAGE FOR  
9 CRANIOFACIAL ANOMALY RECONSTRUCTIVE SURGERY; TO  
10 ESTABLISH WENDELYN'S CRANIOFACIAL LAW; TO DECLARE AN  
11 EMERGENCY; AND FOR OTHER PURPOSES.  
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## Subtitle

14 TO MODIFY THE LAW CONCERNING COVERAGE FOR  
15 CRANIOFACIAL ANOMALY RECONSTRUCTIVE  
16 SURGERY; TO ESTABLISH WENDELYN'S  
17 CRANIOFACIAL LAW; AND TO DECLARE AN  
18 EMERGENCY.  
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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24 SECTION 1. Arkansas Code Title 23, Chapter 79, Subchapter 15, is  
25 amended to add an additional section to read as follows:

26 23-79-1504. Title.

27 This subchapter shall be known and may be cited as "Wendelyn's  
28 Craniofacial Law – Coverage for Craniofacial Anomaly Reconstructive Surgery".  
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30 SECTION 2. Arkansas Code § 23-79-1501(1), concerning the definition of  
31 "craniofacial anomaly" used in the coverage for craniofacial anomaly  
32 reconstructive surgery, is amended to read as follows:

33 (1) "Craniofacial anomaly" means ~~a congenital or acquired~~  
34 ~~musculoskeletal disorder that primarily affects the cranial facial tissue~~ the  
35 abnormal development of the skull and face;  
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1 SECTION 3. Arkansas Code § 23-79-1501(3), concerning the definition of  
2 "reconstructive surgery" used in the coverage for craniofacial anomaly  
3 reconstructive surgery, is amended to read as follows:

4 (3) "Reconstructive surgery" means the use of surgery to alter  
5 the form and function of the cranial facial tissues due to a congenital or  
6 acquired musculoskeletal disorder, including surgery to alter the form and  
7 function of the skull and face to make the skull and face more normal.  
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9 SECTION 3. Arkansas Code § 23-79-1502(b), concerning medical care  
10 coverage for craniofacial anomaly reconstructive surgery requirements, is  
11 amended to read as follows:

12 (b) Medical care coverage required under this section includes  
13 coverage for reconstructive surgery, dental care, and vision care,~~and the~~  
14 ~~use of at least one (1) hearing aid.~~  
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16 SECTION 4. Arkansas Code § 23-79-1502, concerning coverage for  
17 craniofacial anomaly reconstructive surgery requirements, is amended to add  
18 additional subsections to read as follows:

19 (c)(1) The services included in the coverage described in subsection  
20 (b) of this section shall be authorized by a member of a nationally approved  
21 cleft-craniofacial team of the American Cleft Palate-Craniofacial  
22 Association.

23 (2)(A) A request for written authorization or approval shall be  
24 reviewed:

25 (i) Within two (2) working days from the request by  
26 a nationally approved cleft-craniofacial team member, for a nonurgent case;  
27 or

28 (ii) Within twenty-four (24) hours from the request  
29 by a nationally approved cleft-craniofacial team member, for an urgent case.

30 (B) The request for written authorization or approval is  
31 deemed approved if no action is taken on the request for approval within the  
32 required time frames described in subdivision (c)(2)(A) of this section by  
33 the nationally approved cleft-craniofacial team.

34 (3)(A) For a health benefit plan that requires prior  
35 authorization, the health benefit plan shall review the request for  
36 healthcare services:

1 (i) Within two (2) working days, for a nonurgent  
2 case; or

3 (ii) Within twenty-four (24) hours, for an urgent  
4 case.

5 (B) The prior authorization is deemed approved if no  
6 action is taken on the prior authorization within the required time frames  
7 described in subdivision (c)(3)(A) of this section.

8 (C)(i) If a health benefit plan requires prior  
9 authorization, then the medical director of a health insurer or a health  
10 maintenance organization shall review the proposed healthcare service.

11 (ii) The medical director shall be familiar with  
12 craniofacial diagnoses and needed procedures.

13 (d) A health benefit plan shall include coverage for the following, if  
14 medically necessary:

15 (1) On an annual basis:

16 (A) Sclera contact lenses, including coatings;

17 (B) Office visits;

18 (C) An ocular impression of each eye;

19 (D) Any additional tests or procedures that are medically  
20 necessary for a craniofacial patient; and

21 (2)(A) Every two (2) years, two (2) hearing aids and two (2)  
22 hearing aid molds for each ear.

23 (B) As used in subdivision (d)(2)(A) of this section,  
24 "hearing aids" includes behind the ear, in the ear, wearable bone  
25 conductions, surgically implanted bone conduction services, and cochlear  
26 implants.

27 (e)(1) A nationally accredited cleft-craniofacial team, as approved by  
28 the American Cleft Palate-Craniofacial Association, that is located in other  
29 states may provide the healthcare services, treatment, evaluation,  
30 authorizations, and review as described in this section.

31 (2) For healthcare services performed outside of this state  
32 under this section, the insured or enrollee shall not be penalized for out-  
33 of-network charges.

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35 SECTION 5. Arkansas Code § 23-79-1503 is amended to read as follows:  
36 23-79-1503. Rules - Report.

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

3 (b) The State and Public School Life and Health Insurance Board ~~may~~  
4 ~~develop and promulgate rules for the administration of this subchapter~~ shall  
5 follow the rules promulgated by the department for administration of this  
6 subchapter for the plans providing health benefits to state and public school  
7 employees under § 21-5-401 et seq.

8 (c) The department shall submit biannual reports to the Chair of the  
9 House Committee on Insurance and Commerce and the Chair of the Senate  
10 Committee on Insurance and Commerce.

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12 SECTION 6. EMERGENCY CLAUSE. It is found and determined by the  
13 General Assembly of the State of Arkansas that this state has a limited  
14 number of approved certified craniofacial specialists to review and treat  
15 individuals with craniofacial anomalies; that increasing healthcare coverage  
16 for craniofacial patients allows a nationally approved cleft-craniofacial  
17 team outside of this state to provide healthcare services for residents of  
18 this state can decrease the delay in treatment; and that this act is  
19 immediately necessary because there are residents in this state who are in  
20 need of healthcare services to treat individuals with craniofacial anomalies.  
21 Therefore, an emergency is declared to exist, and this act being immediately  
22 necessary for the preservation of the public peace, health, and safety shall  
23 become effective on:

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

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

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

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31 /s/ Irvin  
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