

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

A Bill

HOUSE BILL 1034

5 By: Representative Pilkington
6

For An Act To Be Entitled

8 AN ACT TO REGULATE THE REIMBURSEMENT RATE OF A BIRTH
9 UNDER AN INSURANCE POLICY IN THIS STATE; TO ESTABLISH
10 THE REIMBURSEMENT RATE FOR A BIRTH TO BE AT LEAST THE
11 SAME AS THE REIMBURSEMENT RATE FOR A BIRTH BY
12 CESAREAN SECTION; AND FOR OTHER PURPOSES.
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Subtitle

15 TO REGULATE THE REIMBURSEMENT RATE OF A
16 BIRTH UNDER AN INSURANCE POLICY IN THIS
17 STATE; AND TO ESTABLISH THE REIMBURSEMENT
18 RATE FOR A BIRTH TO BE AT LEAST THE SAME
19 AS THE REIMBURSEMENT RATE FOR A BIRTH BY
20 CESAREAN SECTION.
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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26 SECTION 1. Arkansas Code Title 23, Chapter 79, Subchapter 1, is
27 amended to add an additional section to read as follows:

28 23-79-168. Reimbursement rate for births – Legislative findings –
29 Definitions.

30 (a) The General Assembly finds that:

31 (1) Approximately ten thousand (10,000) babies are born per day
32 in the United States;

33 (2) Of those ten thousand (10,000) babies, approximately one-
34 third (1/3) of the births are delivered by Cesarean section instead of
35 vaginal delivery;

36 (3) Healthcare professionals are generally paid more for a birth



1 by Cesarean section than for a vaginal birth; and

2 (4) The reimbursement rate for a birth in this state needs to be
 3 equitable and no less than the established reimbursement rate of a birth by
 4 Cesarean section under a health benefit plan.

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 6 (b) As used in this section:

7 (1) "Birth" means delivery of a newborn child either by vaginal
 8 delivery or Cesarean section;

9 (2)(A) "Health benefit plan" means:

10 (i) An individual, blanket, or group plan or a
 11 policy or contract for healthcare services issued or delivered by a
 12 healthcare insurer; and

13 (ii) Any health benefit program receiving state or
 14 federal appropriations from the State of Arkansas, including the Arkansas
 15 Medicaid Program and the Arkansas Health and Opportunity for Me Program, or
 16 any successor program.

17 (B) "Health benefit plan" includes:

18 (i) Indemnity and managed care plans; and

19 (ii) Nonfederal governmental plans as defined in 29
 20 U.S.C. § 1002(32), as it existed on January 1, 2024.

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

22 (i) A disability income plan;

23 (ii) A credit insurance plan;

24 (iii) Insurance coverage issued as a supplement to
 25 liability insurance;

26 (iv) A medical payment under automobile or
 27 homeowner's insurance plans;

28 (v) A health benefit plan provided under Arkansas
 29 Constitution, Article 5, § 32, the Workers' Compensation Law, § 11-9-101 et
 30 seq., or the Public Employee Workers' Compensation Act, § 21-5-601 et seq.;

31 (vi) A plan that provides only indemnity for
 32 hospital confinement;

33 (vii) An accident-only plan;

34 (viii) A specified disease plan;

35 (ix) A long-term-care-only plan;

36 (x) A dental-only plan; or

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(xi) A vision-only plan;

(3) "Healthcare insurer" means an entity subject to the insurance laws of this state or the jurisdiction of the Insurance Commissioner that contracts or offers to contract to provide health insurance coverage, including without limitation an insurance company, a health maintenance organization, a hospital medical service corporation, a self-insured governmental or church plan in this state, or the Arkansas Medicaid Program;

(4) "Healthcare professional" means a person who is licensed, certified, or otherwise authorized by the laws of this state to administer health care in the ordinary course of the practice of his or her profession; and

(5) "Reimbursement rate" means the amount paid to a healthcare professional by a healthcare insurer for certain procedures based on Current Procedural Terminology codes or the Healthcare Common Procedure Coding System codes and the costs of healthcare services.

(c) A healthcare insurer shall use the reimbursement rate for a birth by Cesarean section to reimburse a healthcare professional for a birth in this state.