

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

# A Bill

HOUSE BILL 1252

5 By: Representative L. Johnson  
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## For An Act To Be Entitled

8 AN ACT TO MODIFY THE ARKANSAS HEALTH CARE CONSUMER  
9 ACT; TO IMPROVE OUTCOMES FOR INDIVIDUALS WITH LIMB  
10 LOSS; TO REQUIRE COVERAGE FOR PROSTHETIC DEVICES FOR  
11 ATHLETICS OR RECREATION AND PROSTHETIC DEVICES FOR  
12 SHOWERING OR BATHING; AND FOR OTHER PURPOSES.  
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## Subtitle

15 TO MODIFY THE ARKANSAS HEALTH CARE  
16 CONSUMER ACT; AND TO REQUIRE COVERAGE FOR  
17 PROSTHETIC DEVICES FOR ATHLETICS OR  
18 RECREATION AND PROSTHETIC DEVICES FOR  
19 SHOWERING OR BATHING.  
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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25 SECTION 1. Arkansas Code § 23-99-417 is amended to read as follows:

26 23-99-417. Coverage required for orthotic devices, orthotic services,  
27 prosthetic devices, and prosthetic services.

28 (a)(1) Subject to subdivision (a)(2) of this section and subsections  
29 (b) and (c) of this section, a health benefit plan that is issued for  
30 delivery, delivered, renewed, or otherwise contracted for in this state shall  
31 provide coverage for eligible charges within limits of coverage that are no  
32 less than eighty percent (80%) of Medicare allowable as defined by the  
33 Centers for Medicare ~~and~~ & Medicaid Services, Healthcare Common Procedure  
34 Coding System as of January 1, 2009, or as of a later date if adopted by rule  
35 of the Insurance Commissioner for:

36 (A) An orthotic device;



- 1 (B) An orthotic service;
- 2 (C) A prosthetic device; ~~and~~
- 3 (D) A prosthetic service;
- 4 (E) A prosthetic device for athletics or recreation; and
- 5 (F) A prosthetic device for showering or bathing.

6 (2) This section does not require coverage for an orthotic  
 7 device, an orthotic service, a prosthetic device, ~~or~~ a prosthetic service, a  
 8 prosthetic device for athletics or recreation, or a prosthetic device for  
 9 showering or bathing for a replacement that occurs more frequently than one  
 10 (1) time every three (3) years unless medically necessary ~~or indicated by~~  
 11 ~~other coverage criteria.~~

12 (b)(1) Eligible charges ~~and limits of or exclusions from~~ for coverage  
 13 under subsection (a) of this section shall be based on medical necessity ~~or~~  
 14 ~~the health benefit plan's coverage criteria for other medical services,~~ which  
 15 may include without limitation:

16 (A) The information and recommendation from the treating  
 17 physician in consultation with the insured and a prosthetic provider  
 18 regarding the most appropriate model that adequately meets the medical and  
 19 recreational needs of the covered person; and

20 (B) The results of a functional ~~limit~~ outcomes test.

21 (2) As used in this section:

22 (A) ~~"functional limit"~~ "Functional outcomes test" includes  
 23 without limitation the insured's:

24 ~~(A)(i)~~ (i) Medical history, including prior use of  
 25 orthotic devices, ~~or~~ prosthetic devices, or prosthetic devices for athletics  
 26 or recreation if applicable;

27 ~~(B)(ii)~~ (ii) Current condition, including the status of  
 28 the musculoskeletal system and the nature of other medical problems; and

29 ~~(C)(iii)~~ (iii) Desire to:

30 ~~(i)(a)~~ (a) Ambulate or recreate with respect to  
 31 lower-limb orthotic devices, ~~or~~ prosthetic devices, or prosthetic devices for  
 32 athletics or recreation; or

33 ~~(ii)(b)~~ (b) Maximize upper-limb function with  
 34 respect to upper-limb orthotic devices, ~~or~~ prosthetic devices, or prosthetic  
 35 devices for athletics or recreation; and

36 (B) "Prosthetic device for athletics or recreation" means

1 a device that provides an individual with the ability or potential for  
2 prosthesis ambulation that exceeds basic ambulation skills, exhibiting high  
3 impact, stress, or energy levels.

4 (3) A denial or limitation of coverage based on lack of medical  
5 necessity is subject to external review under State Insurance Department Rule  
6 76, the Arkansas External Review Regulation.

7 (c) A health benefit plan:

8 (1) May require prior authorization for an orthotic device, an  
9 orthotic service, a prosthetic device, ~~or a prosthetic service,~~ a prosthetic  
10 device for athletics or recreation, or a prosthetic device for showering or  
11 bathing in the same manner that prior authorization is required for any other  
12 covered benefit;

13 (2) May impose copayments, deductibles, or coinsurance amounts  
14 for an orthotic device, an orthotic service, a prosthetic device, ~~or a~~  
15 prosthetic service, a prosthetic device for athletics or recreation, or a  
16 prosthetic device for showering or bathing if the amounts are no greater than  
17 the copayments, deductibles, or coinsurance amounts that apply to other  
18 benefits under the health benefit plan;

19 (3) When the replacement or repair is necessitated by anatomical  
20 change or normal use, shall cover the necessary repair and necessary  
21 replacement of an orthotic device, ~~or a prosthetic device,~~ a prosthetic  
22 device for athletics or recreation, or a prosthetic device for showering or  
23 bathing subject to copayments, coinsurance, and deductibles that are no more  
24 restrictive than the copayments, coinsurance, and deductibles that apply to  
25 other benefits under the health benefit plan, unless the repair or  
26 replacement is necessitated by misuse or loss; and

27 (4) Shall include a requirement that an orthotic device, an  
28 orthotic service, a prosthetic device, ~~or a prosthetic service,~~ a prosthetic  
29 device for athletics or recreation, or a prosthetic device for showering or  
30 bathing be prescribed by a licensed doctor of medicine, doctor of osteopathy,  
31 or doctor of podiatric medicine and provided by a doctor of medicine, a  
32 doctor of osteopathy, a doctor of podiatric medicine, an orthotist, or a  
33 prosthetist licensed by the State of Arkansas.

34 (d) Coverage of an orthotic device, an orthotic service, a prosthetic  
35 device, ~~or a prosthetic service,~~ a prosthetic device for athletics or  
36 recreation, or a prosthetic device for showering or bathing may be made

1 subject to but no more restrictive than the provisions of the health benefit  
2 plan that apply to other benefits under the health benefit plan.

3 (e) The ~~commissioner~~ Insurance Commissioner may+

4 ~~(1) Issue a rule governing payment standards for health benefit~~  
5 ~~plans under subdivision (a)(1) of this section; and~~

6 ~~(2) Adopt~~ adopt necessary rules to enforce this section.

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