

State of Arkansas
90th General Assembly
Regular Session, 2015

A Bill

HOUSE BILL 1417

By: Representatives Womack, Lampkin, Wardlaw

By: Senator Rapert

For An Act To Be Entitled

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

Subtitle

TO MODIFY COVERAGE FOR CRANIOFACIAL
ANOMALY RECONSTRUCTIVE SURGERY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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

Subchapter 15 – Coverage for Craniofacial Anomaly ~~Corrective~~ Reconstructive
Surgery

23-79-1501. Definitions.

As used in this subchapter:

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

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

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



governmental or church plan in this state.

(B) "Health benefit plan" includes:

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

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

- (i) ~~Disability income plans~~ A disability income plan;
- (ii) ~~Credit insurance plans~~ A credit insurance plan;
- (iii) Insurance coverage issued as a supplement to liability insurance;
- (iv) Medical payments under an automobile or homeowners' insurance ~~plans~~ plan;
- (v) ~~Health benefit plans~~ A health benefit plan provided under Arkansas Constitution, Article 5, § 32, the Workers' Compensation Law, § 11-9-101 et seq., and the Public Employee Workers' Compensation Act, § 21-5-601 et seq.;
- (vi) ~~Plans that provide~~ A plan that provides only indemnity for hospital confinement;
- (vii) ~~Accident-only plans~~ An accident-only plan; or
- (viii) ~~Specified disease plans~~ A specified disease plan; and

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

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

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

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

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

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

(B) Coordinate a treatment plan for each person.

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

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

23-79-1503. Rules.

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

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

APPROVED: 03/10/2015