

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011

A Bill

SENATE BILL 66

4
5 By: Senator J. Jeffress

For An Act To Be Entitled

8 AN ACT TO REQUIRE HEALTH BENEFIT PLANS TO PROVIDE
9 COVERAGE FOR THE TREATMENT OF MORBID OBESITY; AND FOR
10 OTHER PURPOSES.

Subtitle

11
12
13
14 AN ACT TO REQUIRE HEALTH BENEFIT PLANS TO
15 PROVIDE COVERAGE FOR THE TREATMENT OF
16 MORBID OBESITY.

17
18
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

20
21 SECTION 1. Arkansas Code Title 23, Chapter 79 is amended to add an
22 additional subchapter to read as follows:

23 23-79-1501. Legislative findings.

24 The General Assembly finds that:

25 (1) Morbid obesity causes many medical problems and costly
26 health complications, such as diabetes, hypertension, heart disease, and
27 stroke;

28 (2) The cost of managing the complications of morbid obesity,
29 largely due to inadequate treatment, far outweighs the cost of expeditious,
30 effective medical treatment;

31 (3) Guidelines developed by the National Institutes of Health,
32 the American Society for Bariatric Surgery, the American Obesity Association,
33 and Shape Up America and embraced by the American Medical Association and the
34 American College of Surgeons recommend that patients who are morbidly obese
35 receive responsible, affordable medical treatment for their obesity; and

36 (4) The diagnosis and treatment of morbid obesity should be a



1 clinical decision made by a physician based on evidence-based guidelines.

2
3 23-79-1502. Definitions.

4 As used in this subchapter:

5 (1) "Body mass index" means body weight in kilograms divided by
6 height in meters squared;

7 (2)(A) "Health benefit plan" means an individual, blanket, or
8 group plan, policy, or contract for health care services issued or delivered
9 by an insurer, health maintenance organization, hospital medical service
10 corporation, or self-insured governmental or church plan in this state.

11 (B) "Health benefit plan" includes:

12 (i) Indemnity and managed care plans; and

13 (ii) A governmental plan as defined in 29 U.S.C. §
14 1002(32), as it existed on January 1, 2011.

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

16 (i) Accidental injury insurance plans;

17 (ii) Dental insurance plans;

18 (iii) Vision insurance plans;

19 (iv) Specified disease insurance plans;

20 (v) Disability income plans;

21 (vi) Credit insurance plans;

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

24 (viii) Medical payments under automobile or
25 homeowners' insurance plans;

26 (ix) Health benefit plans provided under Arkansas
27 Constitution, Article 5, § 32, the Workers' Compensation Law, § 11-9-101 et
28 seq., and the Public Employee Workers' Compensation Act, § 21-5-601 et seq.;

29 (x) Insurance under which benefits are payable with
30 or without regard to fault and the benefits that are statutorily required to
31 be contained in any liability policy or equivalent self-insurance; and

32 (xi) Plans that provide only indemnity for hospital
33 confinement; and

34 (3)(A) "Morbid obesity" means a weight that is at least two (2)
35 times the ideal weight for frame, age, height, and gender of an individual as
36 determined by an examining physician.

1 (B) Morbid obesity may be measured as a body mass index:

2 (i) Equal to or greater than thirty-five kilograms
3 per meter squared (35 kg/m²)with comorbidity or coexisting medical conditions
4 such as hypertension, cardiopulmonary conditions, sleep apnea, or diabetes;
5 or

6 (ii) Greater than forty (40) kilograms per meter
7 squared (40 kg/m²).

8
9 23-79-1503. Coverage for morbid obesity diagnosis and treatment
10 required.

11 (a)(1) A health benefit plan that is offered, issued, or renewed in
12 this state on or after January 1, 2012, shall provide coverage for the
13 diagnosis and treatment of morbid obesity.

14 (2) The coverage for morbid obesity required under subdivision
15 (a)(1) of this section includes without limitation coverage for:

16 (A) Bariatric surgery;

17 (B) Gastric bypass surgery; and

18 (C) Lap-band surgery.

19 (b) A health benefit plan shall provide the benefits required under
20 this section to the same extent as for other medically necessary surgical
21 procedures under the enrollee's or insured's contract or policy with the
22 entity.

23 (c) The coverage for morbid obesity diagnosis and treatment required
24 under this subchapter does not diminish or limit benefits otherwise allowable
25 under a health benefit plan.

26
27 23-79-1504. Rules.

28 The State Insurance Department shall adopt rules to implement this
29 subchapter.

30
31
32
33
34
35
36