

State of Arkansas

As Engrossed: H3/6/25

95th General Assembly

A Bill

Regular Session, 2025

HOUSE BILL 1583

By: Representative Bentley

By: Senator J. Boyd

For An Act To Be Entitled

AN ACT TO MANDATE COVERAGE FOR ACQUIRED BRAIN INJURY;
AND FOR OTHER PURPOSES.

Subtitle

TO MANDATE COVERAGE FOR ACQUIRED BRAIN
INJURY.

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

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

Subchapter 29 – Coverage for Acquired Brain Injury

23-79-2901. Definitions.

As used in this subchapter:

(1) "Acquired brain injury" means an injury to the brain that
occurs after birth and may be caused by:

(A) An infectious disease;

(B) A metabolic disorder;

(C) An endocrine disorder;

(D) Diminished oxygen;

(E) A brain tumor;

(F) A toxin;

(G) A disease that affects the blood supply to the brain;

(H) A stroke; or

(I) A traumatic brain injury;



1 (2) "Adverse determination" means a determination by a clinical
2 peer reviewer, upon review based on the clinical information provided, that
3 an admission, extension of stay, or any other covered acquired brain injury
4 service is not medically necessary;

5 (3) "Clinical peer reviewer" means a healthcare professional
6 who:

7 (A) Specializes in and has experiences of the delivery of
8 treatments and services for an individual with acquired brain injuries; and

9 (B)(i) If applicable, possesses a current and valid
10 license, certificate, or registration to provide treatments and services of
11 an acquired brain injury.

12 (ii) If a license, certificate, or registration is
13 not required for treatments and services of an acquired brain injury, the
14 healthcare professional shall be credentialed by the national accrediting
15 body appropriate to the profession;

16 (4) "Cognitive communication therapy" means treating a problem
17 with communication that has an underlying cause in one (1) or more cognitive
18 deficits rather than a primary language or speech deficit;

19 (5) "Cognitive rehabilitation therapy" means a process of
20 relearning cognitive skills essential for daily living through the
21 coordinated, specialized, and integrated therapeutic treatments that are
22 provided in dynamic settings designed for efficient and effective relearning
23 following damage to brain cells or brain chemistry due to an acquired brain
24 injury;

25 (6) "Community reintegration services" means the provision of
26 incremental guided real-world therapeutic training to develop skills
27 essential for an enrollee to:

28 (A) Participate in life;

29 (B) Reenter employment;

30 (C) Attend school and engage in other productive activity;

31 (D) Safely live independently; and

32 (E) Participate within his or her community while avoiding
33 rehospitalization and long-term support needs;

34 (7) "Enrollee" means an individual entitled to coverage of
35 healthcare services from a healthcare insurer;

36 (8)(A) "Functional rehabilitation therapy" means a structured

1 approach that emphasizes learning by doing and focuses on relearning a
2 specific task in a prescribed format with maximum opportunity for repeated
3 corrective practice.

4 (B) "Functional rehabilitation therapy" includes:

5 (i) Compensatory strategies that are developed for
6 relearning skills that are persistently impaired; and

7 (ii) Training for individuals on daily
8 implementation of the compensatory strategies, with a focus on relearning
9 those skills essential for safe daily living in a home or community setting
10 to ensure acquisition and use of the skills;

11 (9)(A) "Health benefit plan" means an individual, blanket, or
12 group plan or a policy or contract for healthcare services offered, issued,
13 renewed, delivered, or extended in this state by a healthcare insurer.

14 (B) "Health benefit plan" includes indemnity and managed care plans.

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

16 (i) A plan that provides only dental benefits or eye
17 and vision care benefits;

18 (ii) A disability income plan;

19 (iii) A credit insurance plan;

20 (iv) Insurance coverage issued as a supplement to
21 liability insurance;

22 (v) A medical payment under an automobile or
23 homeowners insurance plan;

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

27 (vii) A plan that provides only indemnity for
28 hospital confinement;

29 (viii) An accident-only plan;

30 (ix) A specified disease plan;

31 (x) A long-term-care-only plan; or

32 (xi) A plan providing health benefits to state and
33 public school employees under § 21-5-401 et seq;

34 (10)(A) "Healthcare insurer" means an entity subject to the
35 insurance laws of this state or the jurisdiction of the Insurance
36 Commissioner that contracts or offers to contract to provide health insurance

1 coverage, including without limitation an insurance company, a hospital and
2 medical service corporation, a health maintenance organization, a self-
3 insured governmental or church plan in this state, or a nonprofit
4 agricultural membership organization as defined in § 23-60-104.

5 (B) "Healthcare insurer" does not include an entity that
6 provides only dental benefits or eye and vision care benefits;

7 (11) "Medically necessary" means healthcare services that are
8 consistent with generally accepted principles of professional medical
9 practice;

10 (12) "Neurobehavioral therapy" means a set of medical and
11 therapeutic assessments and treatments focused on behavioral impairments
12 associated with brain disease or an acquired brain injury and the
13 amelioration of these impairments through the development of prosocial
14 behavior;

15 (13) "Neurocognitive therapy" means a treatment of disorders in
16 which the primary clinical deficit is in cognitive function that has not been
17 present since birth and is a decline from a previously attained level of
18 function;

19 (14)(A) "Neurofeedback therapy" means a direct training of brain
20 function to enhance self-regulatory capacity or a patient's ability to exert
21 control over behavior, thoughts, and feelings.

22 (B) "Neurofeedback therapy" includes a form of biofeedback
23 through which an enrollee can learn to control brain activity that is
24 measured and recorded by an electroencephalogram;

25 (15) "Neuropsychological testing" means a set of medical and
26 therapeutic assessments and treatments focused on the amelioration of
27 cognitive, emotional, psychosocial, and behavioral deficits caused by an
28 acquired brain injury; and

29 (16)(A) "Post-acute care residential treatment" means an
30 integrated medical and therapeutic service, treatment, education, and skills
31 training program provided in a home or community setting.

32 (B) "Post-acute care residential treatment" includes
33 treatment that is designed to create the maximum opportunity for correct
34 practice of skill in the context of use to develop new neural pathways to
35 enable the enrollee to avoid rehospitalization and long-term care.

36

1 23-79-2902. Coverage for medically necessary treatment related to
2 acquired brain injury.

3 (a)(1) On and after January 1, 2026, a health benefit plan that is
4 offered, issued, renewed, delivered, or extended in this state shall provide
5 coverage to an enrollee for medically necessary treatment related to or as a
6 result of an acquired brain injury.

7 (2) As required under subdivision (a)(1) of this section,
8 medically necessary treatment shall include without limitation:

- 9 (A) Cognitive rehabilitation therapy;
- 10 (B) Cognitive communication therapy;
- 11 (C) Community reintegration services;
- 12 (D) Functional rehabilitation therapy;
- 13 (E) Neurocognitive therapy and rehabilitation;
- 14 (F) Home and community-based treatment;
- 15 (G) Inpatient services;
- 16 (H) Neurobehavioral therapy, neurocognitive therapy, and
17 neuropsychological testing;
- 18 (I) Neurofeedback therapy;
- 19 (J) Outpatient and day treatment services; and
- 20 (K) Post-acute care residential treatment services.

21 (b) The coverage for medically necessary treatment for an acquired
22 brain injury under subdivision (a)(1) of this section:

23 (1)(A) Is not subject to a lifetime limitation or an
24 unreasonable annual limitation of the number of days or sessions of medically
25 necessary treatment services.

26 (B) A limitation on rehabilitation services in an
27 inpatient rehabilitation facility shall be:

28 (i) Separate from and shall not be included in any
29 limitation of post-acute care rehabilitation services; and

30 (ii) Stated separately by the healthcare insurer;

31 (2) Is not subject to a greater deductible, coinsurance,
32 copayment, or out-of-pocket limits than any other benefit provided by a
33 healthcare insurer under a health benefit plan; and

34 (3) Does not diminish or limit benefits otherwise allowable
35 under a health benefit plan.

36 (c) For medically necessary treatment covered under this section, only

1 a clinical peer reviewer may preauthorize coverage or conduct utilization
2 review.

3 (d) The Insurance Commissioner shall promulgate rules to create a
4 process to permit an expedited appeal of an adverse determination by the
5 healthcare insurer for medically necessary treatment covered under this
6 section.

7 (e) An individual practitioner and treatment facility shall be
8 qualified to provide acute care and post-acute care rehabilitation services
9 to an enrollee with an acquired brain injury through possession of the
10 appropriate licenses, accreditation, training, and experience deemed
11 customary and routine in the appropriate trade practice.

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13 23-79-2903. Rules.

14 (a) The Insurance Commissioner may develop and promulgate rules for
15 the implementation and administration of this subchapter.

16 (b) The Department of Human Services shall apply for a waiver or add
17 this population to an existing waiver program to allow a beneficiary under
18 the Arkansas Medicaid Program to have the appropriate home and community-
19 based services to meet the beneficiary's needs.

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21 /s/Bentley
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24 **APPROVED: 3/20/25**
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