H.R. 1955 AND S. 1045

THE CHILDREN’S ACCESS TO RECONSTRUCTIVE EVALUATION AND SURGERY (“CARES”) ACT

The Need to Cover Reconstructive Procedures for Burned Children

The ABA strongly endorses the CARES Act’s goals, including its coverage of children’s burn injuries.

**Burn Scars and Reconstructive Surgery:** Despite the tremendous advances in burn care over the past several decades scarring following injury remains a common and debilitating problem. Burn patients often require multiple surgeries over the course of months to years following injury to address scarring. Burn scars can be painful, itchy, and unsightly and significantly impact function. In certain cases, burn scars left untreated can lead to further deformities that can result in loss of vision, obstruction of breathing, and other serious systemic problems. In addition to visible deformities, scars can also result in psychological burdens such as distress, anxiety, low self-esteem and image.

Although these reconstructive procedures are integral to burn care, burn surgeons and health care professionals report that insurance companies will sometimes deny coverage for these procedures, claiming that they are “cosmetic” in nature. Because these procedures are directed at correcting deformities that have resulted specifically from burn injury, they are not “cosmetic” in nature but reconstructive. These procedures seek to restore function and appearance which have been compromised by burn injuries rather than being cosmetic procedures that seek to improve normal anatomy and natural appearance.

**The CARES Act and Burn Injuries:** Because reconstructive surgery is such an essential element of burn care and treatment, the ABA has considerable interest in legislation such as The Children’s Access to Reconstructive Evaluation and Surgery (“CARES”) Act that seeks to address the problem of insurance denials for reconstructive surgery for children. The ABA strongly supports H.R. 1955, sponsored by Representatives Patrick Tiberi (R-OH) and Carolyn McCarthy (D-NY), along with a bi-partisan list of co-sponsors, and S. 1045, introduced by Senators Mary Landrieu (D-LA) and Thad Cochran (R-MS), and co-sponsored by Senators Roy Blunt (R-MO), Charles Schumer (D-NY) and Jack Reed (D-R.I.).

The ABA believes that it is essential that insurance companies cover reconstructive procedures to help children with serious burn scars. The legislation also specifically excludes “cosmetic surgery performed to reshape normal structures of the body to improve appearance or self-esteem” from coverage, but recognizes the importance of treating visible deformities that result from serious injuries, including burn injuries. The ABA strongly endorses the CARES Act’s goals, and its specific inclusion of burn injuries among the list of categories causing or necessitating the reconstructive surgery.