

As Engrossed: 4/8/93

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Senator Bearden**

A Bill

ACT 1271 OF 1993
SENATE BILL 679

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS 23-79-114 (b) RELATING TO FREEDOM
9 OF CHOICE IN SELECTING MEDICAL PROVIDERS; AND FOR OTHER
10 PURPOSES."

Subtitle

13 "FREEDOM OF CHOICE IN SELECTING MEDICAL PROVIDERS."

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

17 *SECTION 1. Arkansas Code 23-79-114(b) is amended to read as follows:*

18 "(b) Notwithstanding any provision of any individual or group policy of
19 accident and health insurance or any provision of a policy, contract, plan, or
20 agreement for hospital or medical service or indemnity, wherever such policy,
21 contract, plan, or agreement provides for payment or reimbursement for any
22 service in the vision or human eye field, provided by persons licensed under
23 the Arkansas Medical Practices Act, § 17-93-201 et seq., the person entitled
24 to benefits or person performing services under such policy, contract, plan,
25 or agreement is entitled to payment or reimbursement on an equal basis for
26 such service when the said service is performed by any person licensed under
27 Arkansas Code § 17-89-101, et seq.

28 (1) No person entitled to benefits under this act shall be denied his
29 or her freedom of choice of any practitioner licensed under §§ §17-93-201 et
30 seq. or §17-89-101 et seq. by any insurer or agent or employee of the insurer
31 or by any department, agency, or employee of this state.

32 (2) Nothing herein shall be construed to enlarge or diminish the
33 practice of optometry as defined by law in §§ 17-89-101 et seq and, in
34 accordance with state law, sole and complete authority regarding determination
35 of those acts, services, procedures, and practices which constitute the
36 practice of optometry in this state shall be vested in the Arkansas State

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1 Board of Optometry. This section shall specifically include, but not be
2 limited to, authority of the State Board of Optometry to define the parameters
3 of management/co-management of persons licensed under Arkansas Code 17-89-101
4 *et seq.* in the treatment/management of post operative and therapeutic care of
5 the human eye.

6 (3) The provisions of this act shall not apply to any policy, contract,
7 plan, or agreement until persons licensed under the Arkansas Medical Practices
8 Act become entitled to reimbursement for services by the insurer in the vision
9 or human eye field.

10 (4) The purpose of this act is to insure that persons licensed under
11 the Arkansas Medical Practices Act, § 17-93-201 *et seq.*, or the Arkansas
12 Optometry Practices Act, §17-89-101 *et seq.* shall be entitled to payment or
13 reimbursement on an equal basis for service in the vision or human eye field."
14

15 SECTION 3. All provisions of this act of a general and permanent nature
16 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
17 Revision Commission shall incorporate the same in the Code.

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19 SECTION 4. If any provision of this act or the application thereof to
20 any person or circumstance is held invalid, such invalidity shall not affect
21 other provisions or applications of the act which can be given effect without
22 the invalid provision or application, and to this end the provisions of this
23 act are declared to be severable.

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25 SECTION 5. All laws and parts of laws in conflict with this act are
26 hereby repealed.

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28 SECTION 6. EMERGENCY. It is hereby found and determined by the General
29 Assembly that the laws relating to the freedom to select medical providers is
30 currently inadequate to assure total freedom in such selection; and that this
31 act is designed to correct this situation and should be given effect
32 immediately. Therefore, an emergency is hereby declared to exist and this act
33 being necessary for the preservation of the public peace, health and safety
34 shall be in full force and effect from and after its passage and approval.

35 */s/ Senator Bearden*

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APPROVED: 4/21/93

