

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.

Act 960 of the Regular Session

1 State of Arkansas  
2 85th General Assembly  
3 Regular Session, 2005

# A Bill

HOUSE BILL 2015

4  
5 By: Representatives Key, Kenney, Bradford  
6 By: Senators Faris, Womack

## For An Act To Be Entitled

10 AN ACT TO AMEND THE PRIVATE ENFORCEMENT  
11 PROVISIONS OF THE PATIENT PROTECTION ACT OF 1995  
12 AND THE PATIENT PROTECTION ACT OF 2005; AND FOR  
13 OTHER PURPOSES.

## Subtitle

14  
15 AN ACT TO AMEND THE PRIVATE ENFORCEMENT  
16 PROVISIONS OF THE PATIENT PROTECTION ACT  
17 OF 1995 AND THE PATIENT PROTECTION ACT  
18 OF 2005.

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

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24 SECTION 1. Arkansas Code § 23-99-207 is amended to read as follows:  
25 23-99-207. Civil penalties.

26 ~~Any~~ To the extent permitted by ERISA, the federal Employee Retirement  
27 Income Security Act of 1974, as amended, 29 U.S.C. § 1001 et seq., person any  
28 provider adversely affected by a violation of this subchapter may sue in a  
29 circuit court of ~~competent jurisdiction~~ only for injunctive relief against  
30 the health care insurer and, ~~upon prevailing, shall, in addition to such~~  
31 ~~relief, recover damages of not less than one thousand dollars (\$1,000),~~  
32 ~~attorney's fees, and costs~~ but not damages. The prevailing party shall be  
33 allowed a reasonable attorney's fee and costs.

34  
35 SECTION 2. Section 1 of an Act to Provide for Enforcement of the



1 Patient Protection Act of 2005 is amended to read as follows:

2 SECTION 1. Civil penalties.

3 To the extent permitted by ERISA, the federal Employee Retirement  
4 Income Security Act of 1974, as amended, 29 U.S.C. § 1001 et seq., any ~~person~~  
5 provider adversely affected by a violation of the Patient Protection Act of  
6 2005 may sue in a circuit court ~~of competent jurisdiction~~ only for injunctive  
7 relief against the health care insurer ~~and, upon prevailing, shall, in~~  
8 ~~addition to injunctive relief, recover damages of not less than one thousand~~  
9 ~~dollars (\$1,000), attorney's fees, and costs~~ but not damages. The prevailing  
10 party shall be allowed a reasonable attorney's fee and costs.

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13 APPROVED: 3/18/2005  
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