

2 State of Arkansas

3 92nd General Assembly

4 Second Extraordinary Session, 2020

# A Bill

ANS/ANS

SENATE BILL

5  
6 By: Senator Irvin

7 Filed with: Senate Committee on Public Health, Welfare, and Labor

8 pursuant to A.C.A. §10-3-217.

## 9 For An Act To Be Entitled

10 AN ACT TO MANDATE INSURANCE COVERAGE AND MEDICAID  
11 BENEFITS WITH REGARD TO CORONAVIRUS DISEASE 2019  
12 (COVID-19); TO REQUIRE AN INSURER TO COVER THE COST  
13 OF CORONAVIRUS DISEASE 2019 (COVID-19) TESTING; TO  
14 PROHIBIT AN INSURER FROM REQUIRING PRIOR  
15 AUTHORIZATION FOR TESTING FOR CORONAVIRUS DISEASE  
16 2019 (COVID-19); TO DECLARE AN EMERGENCY; AND FOR  
17 OTHER PURPOSES.

## 18 19 20 Subtitle

21 TO MANDATE INSURANCE COVERAGE AND  
22 MEDICAID BENEFITS WITH REGARD TO  
23 CORONAVIRUS DISEASE 2019 (COVID-19); AND  
24 TO DECLARE AN EMERGENCY.

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

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

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32 Subchapter 21 – Coverage for Coronavirus Disease 2019 (COVID-19) Act

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34 23-79-2101. Title.

35 This subchapter shall be known and may be cited as the "Coverage for  
36 Coronavirus Disease 2019 (COVID-19) Act".

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2 23-79-2102. Definitions.

3 As used in this subchapter:

4 (1) "Cost-sharing payment" means the total amount a covered  
5 person is required to pay for a service that is covered under the health  
6 benefit plan of the covered person;

7 (2)(A) "Covered person" means a person who is and continues to  
8 be eligible for coverage under a health benefit plan and is covered under the  
9 health benefit plan.

10 (B) "Covered person" includes a policyholder, subscriber,  
11 participant, or other individual covered by a health benefit plan, including  
12 a participant in the Arkansas Medicaid Program;

13 (3)(A) "Health benefit plan" means an individual, blanket, or  
14 group plan, policy, or contract for healthcare services issued or delivered  
15 by an insurer that provides coverage for healthcare services.

16 (B) "Health benefit plan" includes:

17 (i) An indemnity or managed care plan;

18 (ii) A nonfederal governmental plan as defined in 29  
19 U.S.C. § 1002(32), as it existed on January 1, 2020; and

20 (iii) The Arkansas Medicaid Program.

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

22 (i) A disability income plan;

23 (ii) A credit insurance plan;

24 (iii) Insurance coverage issued as a supplement to  
25 liability insurance;

26 (iv) A medical payment under an automobile or  
27 homeowners insurance plan;

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

31 (vi) A plan that provides only indemnity for  
32 hospital confinement;

33 (vii) An accident-only plan;

34 (viii) A specified disease plan;

35 (ix) A long-term-care-only plan;

36 (x) A dental-only plan; or

1                    (xi) A vision-only plan;

2                    (4) "Healthcare professional" means a person who is licensed,  
3 certified, or otherwise authorized by the laws of this state to administer  
4 health care in the ordinary course of the practice of his or her profession;

5                    (5) "Insurer" means an insurance company that is licensed,  
6 registered, or otherwise authorized to do business under the insurance laws  
7 of this state;

8                    (6) "Remote patient monitoring" means the use of synchronous or  
9 asynchronous electronic information and communication technologies to collect  
10 personal health information and medical data from a patient at an originating  
11 site that is transmitted to a healthcare professional at a distant site for  
12 use in the treatment and management of medical conditions that require  
13 frequent monitoring; and

14                    (7) "Virtual telephone visit" means a consultation conducted  
15 through the use of electronic information and communication technologies to  
16 deliver healthcare services, including without limitation the assessment,  
17 diagnosis, consultation, treatment, education, care management, and  
18 instruction in self-management of a patient.

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20                    23-79-2103. Coverage for coronavirus disease 2019 (COVID-19).

21                    (a) A health benefit plan, insurer, and the Arkansas Medicaid Program  
22 shall provide coverage of virtual telephone visits between a healthcare  
23 professional and a covered person to provide remote patient monitoring and  
24 healthcare services.

25                    (b) If the Governor declares a disaster emergency under the Arkansas  
26 Emergency Services Act of 1973, § 12-75-101 et seq., or the Governor orders  
27 the State Board of Health to take action under § 20-7-110(b) to prevent the  
28 spread of an epidemic or contagious disease, a health benefit plan or insurer  
29 shall:

30                    (1) Provide coverage to a covered person for testing for  
31 coronavirus disease 2019 (COVID-19); and

32                    (2) Not require prior authorization for testing for coronavirus  
33 disease 2019 (COVID-19) provided to a covered person.

34                    (c) If the Governor declares a disaster emergency under the Arkansas  
35 Emergency Services Act of 1973, § 12-75-101 et seq., or the Governor orders  
36 the State Board of Health to take action under § 20-7-110(b) to prevent the

1 spread of an epidemic or contagious disease, a health benefit plan that is  
2 licensed by the State Insurance Department or an insurer shall require  
3 reasonable reimbursement for testing costs to a healthcare professional that  
4 is required to test patients under a directive issued by the State Department  
5 of Health pursuant to § 20-7-110(b).

6 (d) This section does not prohibit an insurer from collecting a  
7 deductible, copay, or cost-sharing payment from a covered person according to  
8 the health benefit plan.

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10 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the  
11 General Assembly of the State of Arkansas that the lack of health insurance  
12 coverage has limited the number of Arkansans seeking testing for coronavirus  
13 disease 2019 (COVID-19) and is creating uncertainty for Arkansans, causing  
14 unnecessary and undue stress; that requiring coverage of testing and reducing  
15 the restrictions on obtaining testing could encourage additional testing and  
16 thereby reduce the spread of coronavirus disease 2019 (COVID-19) in Arkansas;  
17 and that this act is immediately necessary because Arkansans need access to  
18 testing for coronavirus disease 2019 (COVID-19) in order to move freely and  
19 safely in Arkansas. Therefore, an emergency is declared to exist, and this  
20 act being immediately necessary for the preservation of the public peace,  
21 health, and safety shall become effective on:

22 (1) The date of its approval by the Governor;

23 (2) If the bill is neither approved nor vetoed by the Governor,  
24 the expiration of the period of time during which the Governor may veto the  
25 bill; or

26 (3) If the bill is vetoed by the Governor and the veto is  
27 overridden, the date the last house overrides the veto.

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30 Referred by Senator Irvin

31 Prepared by: ANS/ANS

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