

1 State of Arkansas  
2 88th General Assembly  
3 Regular Session, 2011

# A Bill

HOUSE BILL 1425

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By: Representatives Hickerson, D. Altes, Barnett, Benedict, Biviano, J. Burris, Carnine, Cheatham,  
Collins-Smith, Dale, Eubanks, Garner, Gaskill, Jean, Mauch, Nickels, Powers, Ratliff, Rice, J. Roebuck,  
Summers, T. Thompson, Walker, Wardlaw, Williams, Wren

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## For An Act To Be Entitled

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AN ACT TO REMOVE INSURANCE RESTRICTIONS ON NONCOVERED  
DENTAL SERVICES; TO DECLARE AN EMERGENCY; AND FOR  
OTHER PURPOSES.

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## Subtitle

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TO REMOVE INSURANCE RESTRICTIONS ON  
NONCOVERED DENTAL SERVICES AND TO DECLARE  
AN EMERGENCY.

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

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SECTION 1. Arkansas Code Title 23, Chapter 63, Subchapter 1 is amended  
to add an additional section to read as follows:

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23-63-115. Agreement between insurers and dentists establishing fees  
for noncovered service prohibited -- Definitions.

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(a) As used in this section:

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(1) "Dental plan" means a contract, plan, or policy of insurance  
issued by an insurer that provides for a dental benefit;

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(2) "Insurer" means an insurance company, a health maintenance  
organization, a hospital and medical service corporation, or a self-insured  
health plan for employees of a governmental entity; and

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(3)(A) "Noncovered services" means a service that is not  
reimbursable under a dental plan.

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(B) "Noncovered services" does not include a service that  
is reimbursable subject to a deductible, waiting period, frequency

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1 limitation, annual or lifetime maximum, or other contractual limitation.

2 (b) An agreement between an insurer and a dentist establishing the fee  
3 a dentist may charge for a noncovered service is unenforceable.

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5 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the  
6 General Assembly of the State of Arkansas that insurers are placing  
7 limitations on fees for noncovered services when patients have dental  
8 coverage; that by removing limitations on the fees charged for noncovered  
9 services, dentists will have additional treatment options for patients; and  
10 that this act is immediately necessary because it expands treatment options  
11 for patients who need immediate dental services. Therefore, an emergency is  
12 declared to exist and this act being immediately necessary for the  
13 preservation of the public peace, health, and safety shall become effective  
14 on:

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

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

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

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23 APPROVED: 03/22/2011  
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