

1 State of Arkansas  
2 92nd General Assembly  
3 Regular Session, 2019  
4

As Engrossed: S3/7/19

# A Bill

SENATE BILL 472

5 By: Senator Maloch  
6

## For An Act To Be Entitled

8 AN ACT TO REQUIRE A HEALTH INSURER TO CONTRACT WITH A  
9 LICENSED HEALTHCARE PROVIDER IF THE HEALTHCARE  
10 PROVIDER IS PERMITTED TO PARTICIPATE IN MEDICARE,  
11 MEDICAID, OR ANY OTHER FEDERAL HEALTH BENEFIT PLAN;  
12 TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.  
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## Subtitle

15 TO REQUIRE A HEALTH INSURER TO CONTRACT  
16 WITH A LICENSED HEALTHCARE PROVIDER IF  
17 THE HEALTHCARE PROVIDER IS PERMITTED TO  
18 PARTICIPATE IN MEDICARE, MEDICAID, OR ANY  
19 OTHER FEDERAL HEALTH BENEFIT PLAN; AND TO  
20 DECLARE AN EMERGENCY.  
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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26 SECTION 1. Arkansas Code Title 23, Chapter 99, Subchapter 8, is  
27 amended to add an additional section to read as follows:

28 23-99-804. Health insurer - Healthcare provider contracts.

29 (a) A healthcare provider, including without limitation a physician,  
30 nurse, pharmacist, dentist, physical therapist, physician assistant, or any  
31 other healthcare provider licensed and in good standing with the state  
32 licensing board responsible for the licensing of the healthcare provider,  
33 shall not be excluded from contracting with a health insurer, third-party  
34 administrator, pharmacy benefits manager, or other entity that is subject to  
35 § 23-99-802, if the healthcare provider is permitted to participate in  
36 Medicare, Medicaid, or any other federal health benefit plan.



1 (b) This section does not preempt § 23-99-204 regarding the  
2 requirement that a healthcare provider accept a health benefit plan's  
3 operating terms and conditions, schedule of fees, covered expenses, and  
4 utilization regulations and quality standards to participate in that health  
5 benefit plan.

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7 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the  
8 General Assembly of the State of Arkansas that healthcare providers in  
9 Arkansas, often practicing in rural areas where there is limited access to  
10 healthcare providers, are not being approved by healthcare insurers, even if  
11 the healthcare provider is licensed and has been approved by Medicare and  
12 Medicaid; that this act is needed to allow an individual who has insurance  
13 coverage to use a healthcare provider of his or her choice in communities  
14 that are often underserved; and that this act is immediately necessary  
15 because failure by health insurers to recognize some healthcare providers  
16 creates a burden on individuals with insurance coverage and limits the  
17 healthcare providers available to an individual who has coverage. Therefore,  
18 an emergency is declared to exist, and this act being immediately necessary  
19 for the preservation of the public peace, health, and safety shall become  
20 effective on:

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

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

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

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29 /s/Maloch

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32 **APPROVED: 3/29/19**