

1 State of Arkansas  
2 90th General Assembly  
3 Regular Session, 2015

# A Bill

HOUSE BILL 1161

4  
5 By: Representatives Hammer, Gonzales

## For An Act To Be Entitled

8 AN ACT TO EXEMPT A CONCIERGE SERVICE ARRANGEMENT FROM  
9 THE INSURANCE LAWS OF ARKANSAS; AND FOR OTHER  
10 PURPOSES.

## Subtitle

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14 TO EXEMPT A CONCIERGE SERVICE ARRANGEMENT  
15 FROM THE INSURANCE LAWS OF ARKANSAS.  
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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20 SECTION 1. Arkansas Code § 23-60-104 is amended to read as follows:

21 23-60-104. Exceptions – Burial associations – Health care sharing  
22 ministries – Concierge service arrangements – Definition Definitions.

23 (a) The Arkansas Insurance Code and rules promulgated by the Insurance  
24 Commissioner under the Arkansas Insurance Code do not apply to a:

25 (1) Burial ~~associations~~ association governed by §§ 23-78-101 –  
26 23-78-119, and §§ 23-78-121 – 23-78-125; ~~or~~

27 (2) Concierge service arrangement; or

28 (3) Health care sharing ~~ministries~~ ministry.

29 (b) As used in this section,:

30 (1)(A) "Concierge service arrangement" means a contractual  
31 agreement between a licensed healthcare provider and an individual to provide  
32 select medical services as specified under a medical arrangement for an  
33 established fee.

34 (B) A concierge service arrangement shall provide a  
35 written disclaimer on or accompanying an application distributed by or on  
36 behalf of an entity offering a concierge service arrangement that reads, in



1 substance:

2 "Notice: A concierge service arrangement is not an insurance policy, and the  
 3 select medical services as specified under a concierge service arrangement  
 4 may not constitute the minimum essential health benefits under federal  
 5 healthcare laws established by Pub. L. No. 111-148, as amended by Pub. L. No.  
 6 111-152, and any amendments to, or regulations or guidance issued under,  
 7 those statutes existing on January 1, 2015. Medical services provided under  
 8 a concierge service arrangement may not be covered by or coordinated with  
 9 your health insurance and you may be responsible for any payment for medical  
 10 services not covered by health insurance under your insurer's statement of  
 11 benefits policy."; and

12 (2) "~~health~~ Health care sharing ministry" means a faith-based,  
 13 nonprofit organization that:

14 ~~(1)(A)~~ Is tax-exempt under the Internal Revenue Code of  
 15 1986;

16 ~~(2)(B)~~ Limits participation to those who are of a similar  
 17 faith;

18 ~~(3)(C)~~ Facilitates an arrangement to match participants  
 19 who have financial or medical needs to participants with the present ability  
 20 to assist those with financial or medical needs according to criteria  
 21 established by the health care sharing ministry;

22 ~~(4)(D)~~ Provides for the financial or medical needs of a  
 23 participant through contributions from one (1) participant to another;

24 ~~(5)(E)~~ Establishes contribution amounts for participants  
 25 with no guarantee of return, assumption of risk, or promise to pay qualified  
 26 medical needs of the participant or of the medical provider performing the  
 27 service or services for the participant;

28 ~~(6)(F)~~ Provides a written monthly statement to its  
 29 participants that lists:

30 ~~(A)(i)~~ The total dollar amount of qualified needs  
 31 submitted to the health care sharing ministry; and

32 ~~(B)(ii)~~ The amount of contribution established for  
 33 its participants;

34 ~~(7)(G)~~ Provides a written disclaimer on or accompanying an  
 35 application and guideline material distributed by or on behalf of the health  
 36 care sharing ministry that reads, in substance:

1 “Notice: The organization facilitating the sharing of medical expenses is not  
 2 an insurance company and neither its guidelines nor plan of operation is an  
 3 insurance policy. If anyone chooses to assist you with your medical bills, it  
 4 will be totally voluntary because participants are not compelled by law to  
 5 contribute toward your medical bills. Participation in the organization or a  
 6 subscription to any of its documents should never be considered to be  
 7 insurance. Regardless of whether you receive a payment for medical expenses  
 8 or if this organization continues to operate, you are always personally  
 9 responsible for the payment of your own medical bills.”; and

10 ~~(8)(H)~~ Transfers or distributes contribution amounts from  
 11 one (1) participant to match the qualified medical needs of another  
 12 participant to whom neither the organization nor the sending participant has  
 13 an obligation or commitment to pay for any qualified medical needs with its  
 14 own funds.

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 16 SECTION 2. Arkansas Code § 23-76-103(c), concerning the applicability  
 17 of the Arkansas Insurance Code and laws concerning hospital and medical  
 18 service corporations, is amended to read as follows:

19 (c) This chapter does not apply to a:

20 (1) health Health care sharing ministries ministry as defined in  
 21 § 23-60-104(b); or

22 (2) Concierge service arrangement as defined in § 23-60-104(b).

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