

INTERIM STUDY PROPOSAL 2019-153

State of Arkansas
92nd General Assembly
Second Extraordinary Session, 2020

A Bill

ANS/ANS
SENATE BILL

By: Senator Irvin

Filed with: Senate Committee on Public Health, Welfare, and Labor
pursuant to A.C.A. §10-3-217.

For An Act To Be Entitled

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

Subtitle

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

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

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

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

23-79-2101. Title.

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

1
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.

19
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.

9
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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