

INTERIM STUDY PROPOSAL 2019-156

1 State of Arkansas
2 92nd General Assembly
3 Second Extraordinary Session, 2020

A Bill

ANS/ANS
SENATE BILL

4 By: Senator Irvin

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6 Filed with: Senate Committee on Public Health, Welfare, and Labor
7 pursuant to A.C.A. §10-3-217.
8

For An Act To Be Entitled

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10 AN ACT TO SUSPEND PAYMENT AUDITS OF HEALTHCARE
11 PROVIDERS; TO PROVIDE AN OVERPAYMENT RECOVERY TIME
12 LIMIT TOLL FOR HEALTHCARE PROVIDERS; TO DECLARE AN
13 EMERGENCY; AND FOR OTHER PURPOSES.
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Subtitle

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16 TO SUSPEND PAYMENT AUDITS OF HEALTHCARE
17 PROVIDERS; TO PROVIDE AN OVERPAYMENT
18 RECOVERY TIME LIMIT TOLL FOR HEALTHCARE
19 PROVIDERS; AND TO DECLARE AN EMERGENCY.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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25 SECTION 1. Arkansas Code Title 23, Chapter 63, Subchapter 18, is
26 amended to add an additional section to read as follows:

27 23-63-1809. Audits and overpayment recovery time limit for recoupment
28 of overpayments by healthcare insurers to healthcare providers.

29 (a) If the Governor declares a disaster emergency under the Arkansas
30 Emergency Services Act of 1973, § 12-75-101 et seq., as part of the state's
31 response to coronavirus disease 2019 (COVID-19), a healthcare insurer
32 offering health insurance coverage in this state shall:

33 (1) Suspend payment audits of healthcare providers during the
34 coronavirus disease 2019 (COVID-19) outbreak for up to sixty (60) days at the
35 request of the healthcare provider; and

1 (2) Toll the time limit on overpayment recovery or recoupment or
2 any other agreed-upon time limit between a healthcare insurer and a
3 healthcare provider for up to sixty (60) days at the request of the
4 healthcare provider.

5 (b) The extension described in subsection (a) of this section does not
6 prohibit a healthcare insurer from retroactively auditing payments or
7 pursuing recoupment once the public health disaster emergency declaration
8 expires.

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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 healthcare providers are an
12 important part in the state's response to mitigate the spread of coronavirus
13 disease 2019 (COVID-19), and due to the audits and overpayment recovery or
14 recoupment between a healthcare insurer and a healthcare provider and
15 healthcare providers may not be able to provide proper treatment and care to
16 Arkansans, causing unnecessary and undue stress; that suspending audits of
17 healthcare providers and tolling the time limit on overpayment recovery or
18 recoupment between healthcare insurers and healthcare providers could reduce
19 the stress and uncertainty of healthcare providers; and that this act is
20 immediately necessary because healthcare providers should be allowed to
21 render services to Arkansans who are diagnosed with coronavirus disease 2019
22 (COVID-19) without impediments such as audits and recoupment for overpayments
23 by healthcare insurers. Therefore, an emergency is declared to exist, and
24 this act being immediately necessary for the preservation of the public
25 peace, health, and safety shall become effective on:

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

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

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

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34 Referred by Senator Irvin

35 Prepared by: ANS/ANS

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