

1 State of Arkansas As Engrossed: S2/9/23 S3/6/23 H4/3/23

2 94th General Assembly

# A Bill

3 Regular Session, 2023

SENATE BILL 178

4

5 By: Senators K. Hammer, *Irvin*

6 By: Representative *Vaught*

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## For An Act To Be Entitled

9 AN ACT TO AMEND THE ARKANSAS HEALTH CARE CONSUMER  
10 ACT; TO PROVIDE REIMBURSEMENT AND BENEFITS FOR MENTAL  
11 ILLNESS AND SUBSTANCE USE DISORDERS THAT ARE  
12 DELIVERED THROUGH A PSYCHIATRIC COLLABORATIVE CARE  
13 MODEL; AND FOR OTHER PURPOSES.

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## Subtitle

17 TO AMEND THE ARKANSAS HEALTH CARE  
18 CONSUMER ACT; AND TO PROVIDE  
19 REIMBURSEMENT AND BENEFITS FOR MENTAL  
20 ILLNESS AND SUBSTANCE USE DISORDERS THAT  
21 ARE DELIVERED THROUGH A PSYCHIATRIC  
22 COLLABORATIVE CARE MODEL.

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

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27 SECTION 1. Arkansas Code Title 23, Chapter 99, Subchapter 4, is  
28 amended to add an additional section to read as follows:

29 23-99-422. Benefits for mental illness or substance use disorders  
30 delivered through psychiatric collaborative care model – Definitions – Rules.

31 (a) As used in this section:

32 (1)(A) “Healthcare insurer” means an insurance company, hospital  
33 and medical service corporation, or health maintenance organization issuing  
34 or delivering health benefit plans in this state and subject to the following  
35 laws:

36

(i) The Arkansas Insurance Code;



1 (ii) Section 23-76-101 et seq., pertaining to health  
2 maintenance organizations; and

3 (iii) Section 23-75-101 et seq., pertaining to hospital  
4 and medical service corporations;

5 (B) "Healthcare insurer" does not mean the Arkansas  
6 Medicaid Program and Medicaid services provided under the Arkansas Medicaid  
7 Program if those services are managed or reimbursed by another healthcare  
8 insurer or a risk-based provider organization; and

9 (2) "Psychiatric collaborative care model" means the delivery of care  
10 that is:

11 (A) An evidence-based, integrated behavioral health  
12 service delivery method described at 81 Fed. Reg. 80230-80239, as it existed  
13 on March 31, 2023, and the MLN Booklet for Behavioral Health Integration  
14 Services published by the Centers for Medicare & Medicaid Services, as it  
15 existed on March 31, 2023; and

16 (B) A method typically used by a primary care team  
17 consisting of a primary care provider and a care manager who works in  
18 collaboration with a psychiatric consultant, including without limitation a  
19 psychiatrist.

20 (b) A healthcare insurer that provides benefits for the treatment of  
21 mental illness or substance use disorders shall provide reimbursement for  
22 those benefits if the benefits are delivered through a psychiatric  
23 collaborative care model.

24 (c) The care provided by a primary care team shall:

25 (1) Be directed by the primary care team;

26 (2) Include structured care management with regular assessments  
27 of clinical status using validated tools; and

28 (3) Include modification of treatment, as appropriate.

29 (d) A psychiatric consultant who participates in a primary care team  
30 shall:

31 (1) Provide regular consultations to the primary care team;

32 (2) Review the clinical status and care of the covered person;

33 and

34 (3) Make recommendations.

35 (e)(1) A healthcare insurer may deny reimbursement for healthcare  
36 services delivered through a psychiatric collaborative care model on the

1 grounds of medical necessity only if the medical necessity determinations are  
2 in compliance with state law and the Paul Wellstone and Pete Domenici Mental  
3 Health Parity and Addiction Equity Act of 2008, Pub. L. No. 110-343, § 511 et  
4 seq.

5 (2) For care provided through a psychiatric collaborative care  
6 model, a healthcare insurer shall not:

7 (A) Place a benefit limitation or cap on the amount of  
8 time, number of units, or dollar payments for care manager activities in any  
9 month in a manner that is contrary to state law or the Paul Wellstone and  
10 Pete Domenici Mental Health Parity and Addiction Equity Act of 2008, Pub. L.  
11 No. 110-343, § 511 et seq.;

12 (B) Limit the ability of federally qualified health  
13 centers or rural health clinics to receive reimbursement;

14 (C) Impose any licensure requirements enacted by state or  
15 federal law for a care manager;

16 (D) Limit the age of a patient for whom the care is a  
17 covered service; or

18 (E) Limit coverage to a patient with a specific diagnosis.

19 (f)(1) The Arkansas Medicaid Program may:

20 (A) Apply for a grant for a psychiatric  
21 collaborative care model; and

22 (B) Work in consultation with nongovernmental  
23 entities that are recognized to have expertise in psychiatric collaborative  
24 care models.

25 (2) Beginning on September 1, 2023, and on a quarterly basis  
26 thereafter, the Arkansas Medicaid Program shall report to the Senate  
27 Committee on Insurance and Commerce and the House Committee on Insurance and  
28 Commerce concerning the progress and activities under subdivision (f)(1) of  
29 this section.

30 (g) The Insurance Commissioner may promulgate rules necessary to  
31 implement this section.

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33 SECTION 2. DO NOT CODIFY. EFFECTIVE DATE. This act is effective on  
34 and after October 1, 2023.

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**APPROVED: 4/11/23**