

Hall of the House of Representatives
85th General Assembly - Regular Session, 2005
Amendment Form

Subtitle of Senate Bill No. 44

"AN ACT TO PROVIDE FOR ENFORCEMENT OF THE PATIENT PROTECTION ACT OF
2005."

Amendment No. 1 to Senate Bill No. 44.

Amend Senate Bill No. 44 as engrossed, S2/3/05 (version: 02-03-2005 11:34):

Add Rep Kenney as a cosponsor of the bill

AND

Page 1, delete lines 22 and 23 and substitute the following:
"Income Security Act of 1974, as amended, 29 U.S.C. § 1001 et seq., any person adversely affected by a violation of"

AND

Page 2, delete line 7 and substitute the following:
"The Insurance Commissioner"

AND

Page 2, line 32, delete "as in effect on January 1, 2005"

AND

Page 3, delete line 7 and substitute the following:
"separated from an Arkansas city only by a navigable river.
(d)(1) As clarification, nothing in the state's any willing provider laws shall be construed to cover or regulate health care provider networks offered by non-insurers.
(2) If an employer sponsoring a self-insured health benefit plan contracts directly with providers or contracts for a health care provider network through a non-insurer, then the any willing provider law does not apply.
(3) If a health insurer subcontracts with a non-insurer whose health care network does not meet the requirements of the any willing provider law, then the non-insurer may, but is not required to, create a separate health care provider network that meets the requirements of the any



willing provider law.

(4) If the non-insurer chooses not to create the separate health care provider network, then the responsibility for compliance with the any willing provider law is the obligation of the health insurer to the extent permitted by ERISA."

AND

Page 3, delete lines 17 and 18 and substitute the following:
"Security Act of 1974, as amended, 29 U.S.C. §§ 1001 et seq.;"

AND

Page 4, delete lines 18 through 29 and substitute the following:

"(Z) Certified orthotists;

(AA) Prosthetists;

(BB) Licensed durable medical equipment providers; and

(CC) Other health care practitioners as determined by the department in regulations promulgated under §§ 25-15-201, et seq.;

(5) "Health insurer" or "health care insurer" means any entity that is authorized by the State of Arkansas to offer or provide health benefit plans, policies, subscriber contracts, or any other contracts of similar nature which indemnify or compensate health care providers for the provision of health care services;

(6) "Non-insurer" means an entity that is not required to obtain authorization from the department to do business as a health insurer but that does have a provider network; and

(7) "Self-insured" includes self-funded and vice versa."

AND

Page 4, delete line 35 and substitute the following:
"Act are declared to be severable.

SECTION 7. Sections 3, 4, 5 and 6 of this Act shall take effect and apply to any of the state's any willing provider laws regardless of whether the Patient Protection Act of 2005 becomes effective."

The Amendment was read _____
By: Representative Bradford
MGF/EMC - 02-17-2005 10:36
MGF230

Chief Clerk