

**ARKANSAS SENATE**  
85th General Assembly - Regular Session, 2005  
**Amendment Form**

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**Subtitle of Senate Bill No. 982**

"THE MEDICAID FAIRNESS ACT."

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**Amendment No. 1 to Senate Bill No. 982.**

Amend Senate Bill No. 982 as originally introduced:

Page 2, delete lines 21 and 22 and substitute the following:

"(5) "Denial" means denial or partial denial of a claim;"

AND

Page 4, line 7, delete "prior authorization" and substitute "prior or concurrent authorization"

AND

Page 4, delete lines 30 and 31 and substitute the following:

"(1) Clarify its intent that providers have the right to appeal; and"

AND

Page 6, delete lines 14 through 31, delete and substitute the following:

"(a) If the Department of Human Services imposes primary care physician referrals, gatekeepers, prior authorization, concurrent authorizations, processing periods, or other utilization controls and procedural rules, the department shall ensure that Medicaid recipients can still obtain the appropriate level of care without a delay that can reasonably be expected to put the recipient's health at risk and without putting a provider at risk of nonreimbursement."

(b) If the department imposes both prior or concurrent authorizations and primary care physician referrals, the purposes of the prior or concurrent authorizations and the primary care physician referrals shall not overlap.

(c)(1) A specialty physician need not obtain the primary care physician's approval to provide or make a change in diagnosis or medications, unless requested by the primary care physician.

(2) The specialty physician shall keep the primary care"

AND



Page 7, delete lines 6 through 12 and substitute the following:

"(a) The medical necessity determination of the Medicaid recipient's attending physician shall carry a rebuttable presumption of appropriateness if the physician has engaged in direct treatment or observation of the patient."

AND

Page 7, delete lines 23 and 24 and substitute the following:

"(2) The department may not review providers' claims using any criteria that have not been publicly promulgated."

AND

Page 8, delete lines 2 through 6 and substitute the following:

"If the Department of Human Services takes adverse action against a provider, the department shall deliver to the provider well in advance of any appeal its file on the matter including the records of any utilization review contractor or other agent, subject to any federal confidentiality restrictions, so that the provider will have time to prepare for the appeal."

AND

Page 8, delete lines 30 through 36

AND

Page 9, delete lines 1 through 36

AND

Page 10, delete lines 1 through 33

The Amendment was read the first time, rules suspended and read the second time and \_\_\_\_\_

By: Senator Wooldridge

MGF/JGH - 03-10-2005 12:36

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Secretary