

1 INTERIM STUDY PROPOSAL 2017-080

2
3 REQUESTING THAT THE HOUSE COMMITTEE ON PUBLIC HEALTH, WELFARE,
4 AND LABOR STUDY APPROACHES TO ENSURE HEALTHCARE CONSUMER AND
5 HEALTHCARE PROVIDER PROTECTIONS IN REGARD TO HEALTHCARE MARKETERS
6 AND PROCURERS.

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8 WHEREAS, the use of healthcare marketers and procurers by chiropractic
9 physicians and other providers of medical services has increased in recent
10 years; and

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12 WHEREAS, healthcare marketers and procurers are paid by chiropractic
13 physicians and other providers of medical services to recruit patients,
14 clients, or customers for chiropractic treatment or other medical services;
15 and

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17 WHEREAS, due to the compensation incentive for recruiting efforts,
18 healthcare marketers and procurers attempt to obtain as many patients,
19 clients, or customers as possible for chiropractic treatment or other medical
20 services regardless of the means utilized to obtain the business of the
21 patient, client, or customer; and

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23 WHEREAS, on occasion, healthcare marketers and procurers make deceptive
24 statements and advertisements in order to obtain new patients, clients, or
25 customers for chiropractic treatment or other medical services to Arkansas
26 consumers in person, by telephone, and by electronic means; and

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28 WHEREAS, a number of healthcare marketers and procurers at times will
29 utilize deceptive statements to imply or suggest that:

30 (1) A relationship exists between a chiropractic physician or
31 other provider of medical services and an insurance company;

32 (2) Treatment or other medical services will be free, but fail
33 to explain that the chiropractic treatment or other medical services are
34 offered by a chiropractic physician or other provider of medical services; or

35 (3) A medical lien may be filed against the patient, client, or
36 customer for chiropractic treatment or other medical services; and

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WHEREAS, deceptive statements by a number of healthcare marketers and procurers have resulted in patients, clients, or customers:

- (1) Seeking health care based upon the subjective judgment of healthcare marketers or procurers;
- (2) Incurring unnecessary medical bills when the healthcare marketer or procurer promises that the chiropractic treatment or other medical services are free;
- (3) Filing unnecessary insurance claims;
- (4) Being confused; and
- (5) Being exposed to danger and threats to their personal security; and

WHEREAS, healthcare marketers and procurers obtain motor vehicle accident reports from law enforcement agencies and use the information in motor vehicle accident reports to contact individuals named in the motor vehicle accident reports at their residence in person, by telephone or cellular text message, or by other electronic means; and

WHEREAS, a number of healthcare marketers and procurers contact individuals named in motor vehicle accident reports at any time of the day or night at their place of employment or at their residence, and without the consent of the individuals; and

WHEREAS, healthcare marketers and procurers are not regulated by the Arkansas State Board of Chiropractic Examiners or any other state board or agency, but are required only to submit a registration form listing the name of the chiropractic physician on whose behalf they are calling to the Arkansas State Board of Chiropractic Examiners; and

WHEREAS, while Acts 2013, No. 513, created the offense of insurance fraud by use of a procurer and the offense of prohibited activity by a procurer and required a chiropractic physician who uses a procurer to abide by certain rules promulgated by the Arkansas State Board of Chiropractic Examiners, improper practices of healthcare marketers and procurers continue

1 to occur, adversely affecting on the healthcare provider community as well as
2 the healthcare consumers of Arkansas; and

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4 WHEREAS, due to the compensation incentive to obtain patients, clients,
5 or customers for chiropractic treatment or other medical services and the
6 lack of any formal regulatory framework, a need exists to protect a
7 healthcare consumers' financial and personal security and ability to make
8 informed healthcare choices without the adverse impact of deceptive practices
9 that may be used by healthcare marketers and procurers,

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11 NOW THEREFORE,

12 BE IT PROPOSED BY THE HOUSE COMMITTEE ON PUBLIC HEALTH, WELFARE, AND LABOR OF
13 THE NINETY-FIRST GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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15 THAT the House Committee on Public Health, Welfare, and Labor study
16 approaches to ensure healthcare consumer and healthcare provider protections
17 in regard to healthcare marketers and procurers, including without
18 limitation:

19 (1) Changes to the Freedom of Information Act of 1967, § 25-19-
20 101 et seq., to protect the confidentiality of personal information within
21 motor vehicle accident reports for a limited timeframe;

22 (2) Additional consumer protections regarding solicitations
23 after motor vehicle accidents by healthcare marketers and procurers;

24 (3) Regulation, certification, or licensure of healthcare
25 marketers and procurers under a state board or agency; and

26 (4) Additional penalties on healthcare marketers and procurers
27 for improper solicitation methods and on chiropractic physicians and other
28 medical service providers for engaging healthcare marketers and procurers who
29 use improper solicitation methods.

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31 Respectfully submitted,

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35 Representative Justin Boyd
36 District 77

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