

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas  
2 82nd General Assembly  
3 Regular Session, 1999  
4

*As Engrossed: S3/25/99*

## A Bill

SENATE BILL 850

5 By: Senator Everett  
6 By: Representative T. Smith  
7

### For An Act To Be Entitled

10 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED 23-79-114 TO  
11 REQUIRE INSURANCE PLANS TO PROVIDE THE SAME METHOD OF  
12 PAYMENT FOR HEALTH SERVICES PROVIDED BY AND WITHIN THE  
13 SCOPE OF PRACTICE OF ADVANCED PRACTICE NURSES AND  
14 REGISTERED NURSE PRACTITIONERS AS FOR HEALTH SERVICES  
15 PROVIDED BY PERSONS LICENSED UNDER THE ARKANSAS  
16 MEDICAL PRACTICES ACT; AND FOR OTHER PURPOSES."

### Subtitle

18 "TO AMEND ARKANSAS CODE ANNOTATED 23-79-  
19 114. "  
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22

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

24  
25 SECTION 1. Arkansas Code Annotated § 23-79-114 is amended to read as  
26 follows:

27 "23-79-114. Entitlement notwithstanding policy provisions - Health  
28 services performed by professional not licensed under Arkansas Medical  
29 Practices Act.

30 (a)(1) Notwithstanding any provision of any individual or group policy  
31 of accident and health insurance or any provision of a policy, contract, plan,  
32 or agreement for hospital or medical service or indemnity, in cases where the  
33 policy, contract, plan, or agreement provides for payment or reimbursement for  
34 any service provided by persons licensed under the Arkansas Medical Practices  
35 Act, § 17-95-201 et seq., the person entitled to benefits or person performing  
36 services under the policy, contract, plan, or agreement is entitled to payment

1 or reimbursement on an equal basis for the service when the service is  
2 performed by any person licensed under any of the examining boards found in  
3 § 17-80-101, as amended by §§ 17-95-301 – 17-95-304.

4 (2) Nothing in this subsection shall be construed to amend, alter,  
5 or repeal any laws relating to the licensing or use of hospitals.

6 (3) The provisions of this subsection shall not apply to any  
7 policy, contract, plan, or agreement in effect prior to February 3, 1971.

8 (b) Notwithstanding any provision of any individual or group policy of  
9 accident and health insurance or any provision of a policy, contract, plan, or  
10 agreement for hospital or medical service or indemnity, wherever such policy,  
11 contract, plan, or agreement provides for payment or reimbursement for any  
12 service in the vision or human eye field provided by persons licensed under  
13 the Arkansas Medical Practices Act, § 17-95-201 et seq., the person entitled  
14 to benefits or the person performing services under such policy, contract,  
15 plan, or agreement is entitled to payment or reimbursement on an equal basis  
16 for such service when the said service is performed by any person licensed  
17 under § 17-90-101 et seq.

18 (1) No person entitled to benefits under this subsection shall be  
19 denied his or her freedom of choice of any practitioner licensed under § 17-  
20 95-201 et seq. or § 17-90-101 et seq. by any insurer or agent or employee of  
21 the insurer or by any department, agency, or employee of this state.

22 (2) Nothing herein shall be construed to enlarge or diminish the  
23 practice of optometry as defined by law in § 17-90-101 et seq. and, in  
24 accordance with state law, sole and complete authority regarding determination  
25 of those acts, services, procedures, and practices which constitute the  
26 practice of optometry in this state shall be vested in the State Board of  
27 Optometry. This section shall specifically include, but not be limited to,  
28 authority of the State Board of Optometry to define the parameters of  
29 management and comanagement of persons licensed under § 17-90-101 et seq. in  
30 the treatment and management of post operative and therapeutic care of the  
31 human eye.

32 (3) The provisions of this subsection shall not apply to any  
33 policy, contract, plan, or agreement until persons licensed under the Arkansas  
34 Medical Practices Act, § 17-95-201 et seq., become entitled to reimbursement  
35 for services by the insurer in the vision or human eye field.

36 (4) The purpose of this subsection is to insure that persons

1 licensed under the Arkansas Medical Practices Act, § 17-95-201 et seq., or the  
2 Arkansas Optometry Practices Act, § 17-90-101 et seq., shall be entitled to  
3 payment or reimbursement on an equal basis for service in the vision or human  
4 eye field.

5 (c) Notwithstanding any provision of any individual or group policy of  
6 accident and health insurance or any provision of a policy, contract, plan, or  
7 agreement for hospital or medical service or indemnity, in cases where the  
8 policy, contract, plan, or agreement provides for payment or reimbursement for  
9 any services consisting of the diagnosis, medical, mechanical, or surgical  
10 treatment of ailments of the human foot provided by persons licensed under the  
11 Arkansas Medical Practices Act, § 17-95-201 et seq., the person entitled to  
12 benefits or person performing services under the policy, contract, plan, or  
13 agreement are entitled to payment or reimbursement on an equal basis for the  
14 service when the service is performed by any person licensed under § 17-96-101  
15 et seq.

16 (1) No person entitled to benefits under this subsection shall be  
17 denied freedom of choice of any practitioner licensed under § 17-95-201 et  
18 seq. or § 17-96-101 et seq. by any insurer or agency or employee of the  
19 insurer or by any department, agency, or employee of this state.

20 (2) Nothing in this subsection shall be construed to enlarge or  
21 diminish the practice of podiatry as defined by law in § 17-96-101 et seq.

22 (3) The purpose of this subsection is to insure that persons  
23 licensed under the Arkansas Medical Practices Act, § 17-95-201 et seq., or the  
24 Arkansas Podiatry Practices Act, § 17-96-101 et seq., shall be entitled to  
25 payment or reimbursement on an equal basis for service consisting of the  
26 diagnosis, medical, mechanical, and/or surgical treatment of ailments of the  
27 human foot.

28 (d) Notwithstanding any provision of any individual or group policy of  
29 accident and health insurance, or any provision of a policy, contract, plan,  
30 or agreement for hospital or medical service or indemnity, in cases where the  
31 policy, contract, plan, or agreement provides for payment or reimbursement for  
32 any services consisting of psychological evaluation, counseling,  
33 psychotherapy, or related mental health services, provided by persons licensed  
34 under the Arkansas Medical Practices Act, § 17-95-201 et seq., the person  
35 entitled to benefits or persons providing services under the policy, contract,  
36 plan, or agreement are entitled to payment or reimbursement on an equal basis

1 for the service when the service is provided by any person licensed as a  
2 psychologist under § 17-97-201 et seq. and operating within his area of  
3 competence.

4 (1) No person entitled to benefits under this subsection shall be  
5 denied freedom of choice to select any practitioner licensed under § 17-95-201  
6 et seq. or § 17-97-201 et seq. by any insurer or agency or employee of the  
7 insurer or by any department, agency, or employee of this state.

8 (2) Nothing in this subsection shall be construed to enlarge or  
9 diminish the practice of psychology as defined by law in § 17-97-201 et seq.

10 (3) The purpose of this subsection is to insure that persons  
11 licensed under the Arkansas Medical Practices Act, § 17-95-201 et seq., or  
12 persons licensed as psychologists under § 17-97-201 et seq., shall be entitled  
13 to payment or reimbursement on an equal basis for services consisting of  
14 psychological evaluation, counseling, psychotherapy or related mental health  
15 services.

16 (e) Notwithstanding any provision of any health or accident insurance  
17 contract or any group disability insurance contract or blanket disability  
18 insurance contract as provided for in §§ 23-79-101 – 23-79-107, 23-79-109 –  
19 23-79-128, 23-79-131 – 23-79-134, and 23-79-202 – 23-79-210, benefits shall  
20 not be denied thereunder for any health service performed by any person  
21 licensed pursuant to the provisions of the Arkansas Dental Practice Act, § 17-  
22 82-101 et seq., if the service performed was within the lawful scope of the  
23 person's license and the contract would have provided benefits if the service  
24 had been performed by a holder of a license issued pursuant to the provisions  
25 of the Arkansas Medical Practices Act, § 17-95-201 et seq.

26 (1) No person entitled to benefits under this subsection shall be  
27 denied freedom of choice to select any practitioner licensed under § 17-95-201  
28 et seq. or § 17-82-101 et seq. by any insurer or agency or employee of the  
29 insurer or by any department, agency, or employee of this state.

30 (2) Nothing in this subsection shall be construed to enlarge or  
31 diminish the practice of dentistry as defined by § 17-82-101 et seq.

32 (f) Notwithstanding any provision of any individual or group policy of  
33 accident and health insurance, or any provision of a policy, contract, plan,  
34 or agreement for hospital or medical service or indemnity, in cases where the  
35 policy, contract, plan, or agreement provides for payment or reimbursement for  
36 any anesthesia services provided by persons licensed under the Arkansas

1 Medical Practices Act, § 17-95-201 et seq., the person entitled to benefits or  
2 the persons providing services under the policy, contract, plan, or agreement  
3 are entitled to the same method of payment or same method of reimbursement for  
4 the service when the service is provided by any person licensed as a certified  
5 registered nurse anesthetist and operating within his area of competence.

6 (1) No person entitled to benefits under this subsection shall be  
7 denied freedom of choice to select any practitioner licensed under § 17-87-302  
8 by any insurer or agency or employee of the insurer or by any department,  
9 agency, or employee of this state.

10 (2) Nothing in this subsection shall be construed to enlarge or  
11 diminish the practice of certified registered nurse anesthetists under § 17-  
12 87-302.

13 (3) The purpose of this subsection is to insure that persons  
14 licensed under the Arkansas Medical Practices Act, § 17-95-201 et seq., or  
15 persons licensed as certified registered nurse anesthetists under § 17-87-302  
16 shall be entitled to the same method of payment or same method of  
17 reimbursement for anesthesia services.

18 (g) Notwithstanding any provision of any individual or group policy of  
19 accident and health insurance, or any provision of a policy, contract, plan,  
20 or agreement for hospital or medical service or indemnity, in cases where the  
21 policy, contract, plan, or agreement provides for payment or reimbursement for  
22 any health services provided by persons licensed under the Arkansas Medical  
23 Practices Act, beginning at § 17-95-201, the person entitled to benefits or  
24 the persons providing services under the policy, contract, plan, or agreement  
25 are entitled to the same method of payment or same method of reimbursement for  
26 the service when the service is provided by any person licensed as an advanced  
27 practice nurse and operating within his or her area of competence.

28 (1) No person entitled to benefits under this subsection shall be  
29 denied freedom of choice by any insurer or agency or employee of the insurer  
30 or by any department, agency, or employee of this state to select any  
31 practitioner licensed under § 17-87-302 to provide services under the policy,  
32 contract, plan or agreement within the scope of practice of such practitioner.

33 (2) Nothing in this subsection shall be construed to enlarge or  
34 diminish the practice of advanced practice nurses as defined under § 17-87-101  
35 through § 17-87-402.

36 (3) The purpose of this subsection is to insure that a person

1 licensed under the Arkansas Medical Practices Act beginning at § 17-95-201 or  
2 a person licensed as an advanced practice nurse under § 17-87-302 shall be  
3 entitled to the same method of payment or same method of reimbursement for  
4 health services within the scope of their practice.

5 (h) Notwithstanding any provision of any individual or group policy of  
6 accident and health insurance, or any provision of a policy, contract, plan,  
7 or agreement for hospital or medical service or indemnity, in cases where the  
8 policy, contract, plan, or agreement provides for payment or reimbursement for  
9 any health care services provided by persons licensed under the Arkansas  
10 Medical Practices Act beginning at § 17-95-201, the person entitled to  
11 benefits or the persons providing services under the policy, contract, plan,  
12 or agreement are entitled to the same method of payment or same method of  
13 reimbursement for the service when the service is provided by any person  
14 licensed as a registered nurse practitioner and operating within his or her  
15 area of competence.

16 (1) No person entitled to benefits under this subsection shall be  
17 denied freedom of choice by any insurer or agency or employee of the insurer  
18 or by any department, agency, or employee of this state to select any  
19 practitioner licensed under § 17-87-303 to provide services under the policy,  
20 contract, plan or agreement within the scope of practice of such practitioner.

21 (2) Nothing in this subsection shall be construed to enlarge or  
22 diminish the practice of registered nurse practitioners as defined under § 17-  
23 87-101 through § 17-87-402.

24 (3) The purpose of this subsection is to insure that a person  
25 licensed under the Arkansas Medical Practices Act beginning at § 17-95-201 or  
26 a person licensed as a registered nurse practitioner under § 17-87-303 shall  
27 be entitled to the same method of payment or same method of reimbursement for  
28 health services within the scope of their practice."

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30 SECTION 2. All provisions of this act of a general and permanent nature  
31 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
32 Revision Commission shall incorporate the same in the Code.

33  
34 SECTION 3. If any provision of this act or the application thereof to  
35 any person or circumstance is held invalid, such invalidity shall not affect  
36 other provisions or applications of the act which can be given effect without

1 the invalid provision or application, and to this end the provisions of this  
2 act are declared to be severable.

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4 SECTION 4. All laws and parts of laws in conflict with this act are  
5 hereby repealed.

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*/s/ Everett*