

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas  
2 85th General Assembly  
3 Regular Session, 2005

# A Bill

SENATE BILL 43

4  
5 By: Senator Faris  
6  
7

## For An Act To Be Entitled

PATIENT PROTECTION ACT OF 2005.

### Subtitle

PATIENT PROTECTION ACT OF 2005.

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

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17 SECTION 1. Arkansas Code Title 23, Chapter 99 is amended to add an  
18 additional subchapter to read as follows:

19 23-99-801. Title.

20 This subchapter shall be known and may be cited as the "Patient  
21 Protection Act of 2005".

22  
23 23-99-802. Legislative findings and intent.

24 The General Assembly finds that a patient should be given the  
25 opportunity to see the health care provider of his or her choice. In order to  
26 assure the citizens of the State of Arkansas the right to choose a provider  
27 of their choice, it is the intent of the General Assembly to provide the  
28 opportunity for providers to participate in health benefit plans.

29  
30 23-99-803. Definitions.

31 As used in this subchapter:

32 (1) "Department" means the State Insurance Department;

33 (2) "ERISA" means the federal Employee Retirement Income  
34 Security Act of 1974, as amended, 29 U.S.C. § 1161 et seq. except § 1169, and  
35 as in effect on January 1, 2005;

36 (3) "Health benefit plan" means any health insurance policy or



1 certificate; health maintenance organization contract; hospital and medical  
 2 service corporation contract or certificate; self-insured plan or plan  
 3 provided by a multiple employer welfare arrangement, to the extent permitted  
 4 by ERISA; or any health benefit plan that affects the rights of an Arkansas  
 5 insured and bears a reasonable relation to the State of Arkansas, whether  
 6 delivered or issued for delivery in the state;

7 (4) "Health insurer" means any entity, including, but not  
 8 limited to, insurance companies, health maintenance organizations, hospital  
 9 and medical services corporations, preferred provider organizations,  
 10 physician hospital organizations, and third party administrators and  
 11 prescription benefit management companies, that is authorized by the State of  
 12 Arkansas to offer or provide health benefit plans, policies, subscriber  
 13 contracts, or any other contracts of similar nature which indemnify or  
 14 compensate health care providers for the provision of health care services.

15 (5) "Provider" means an individual or entity licensed by the  
 16 State of Arkansas to provide health care services, limited to the following  
 17 types of providers:

- 18 (A) Physicians and surgeons (M.D. and D.O.);
- 19 (B) Podiatrists;
- 20 (C) Chiropractors;
- 21 (D) Physical therapists;
- 22 (E) Speech pathologists;
- 23 (F) Audiologists;
- 24 (G) Dentists;
- 25 (H) Optometrists;
- 26 (I) Hospitals;
- 27 (J) Hospital-based services;
- 28 (K) Psychologists;
- 29 (L) Licensed professional counselors;
- 30 (M) Respiratory therapists;
- 31 (N) Pharmacists;
- 32 (O) Occupational therapists;
- 33 (P) Long-term care facilities;
- 34 (Q) Home health care providers;
- 35 (R) Hospice care providers;
- 36 (S) Licensed ambulatory surgery centers;

