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 A Bill	
3	Regular Session, 2005SENATE BILL	13
4		
5	By: Senator Faris	
6		
7		
8	For An Act To Be Entitled	
9	PATIENT PROTECTION ACT OF 2005.	
10	S h4:41	
11	Subtitle	
12	PATIENT PROTECTION ACT OF 2005.	
13		
14 15	BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:	
15 16	DE II ENACIED DI INE GENERAL ASSEMBLI OF INE SIAIE OF ARNANSAS:	
10	SECTION 1. Arkansas Code Title 23, Chapter 99 is amended to add an	
18	additional subchapter to read as follows:	
19	<u>23-99-801.</u> 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	<u>2</u>
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	<u>23-99-803. Definitions.</u>	
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	<u>1</u>
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 contracts, or any other contracts of similar nature which indemnify or 13 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; 2.8 (K) Psychologists; 29 (L) Licensed professional counselors; 30 (M) Respiratory therapists; 31 (N) Pharmacists; 32 (0) 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;

1	(T) Rural health clinics;
2	(U) Licensed certified social workers;
3	(V) Licensed psychological examiners;
4	(W) Advanced practice nurses;
5	(X) Licensed dieticians;
6	(Y) Community mental health centers or clinics;
7	(Z) Certified orthotists;
8	(AA) Prosthetists; and
9	(BB) Other health care practitioners as determined by the
10	department in rules promulgated under the Arkansas Administrative Procedure
11	Act, § 25-15-201 et seq.; and
12	
13	23-99-804. Nondiscrimination.
14	<u>A health insurer shall not discriminate against any provider who is</u>
15	located within the geographic coverage area of the health benefit plan and
16	who is willing to meet the terms and conditions for participation established
17	by the health insurer, including the Arkansas state Medicaid program and
18	Medicaid partnerships.
19	
20	23-99-805. Different classes of providers.
21	Nothing in this subchapter shall be construed to require or prohibit
22	the same reimbursement to different types of providers whose licensed scope
23	of practice differs nor shall anything in this subchapter be construed to
24	require or prohibit coverage of the services of any particular type of
25	provider.
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