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 As Engrossed: S1/12/05	
2	85th General Assembly A B111	
3	Regular Session, 2005 SENATI	E BILL 43
4		
5	By: Senator Faris	
6	By: Representative Bradford	
7		
8		
9	For An Act To Be Entitled	
10	PATIENT PROTECTION ACT OF 2005.	
11	Carb4441 o	
12	Subtitle PARTIEUM PROMEGNAN AGE OF COOF	
13	PATIENT PROTECTION ACT OF 2005.	
14 15		
16	BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:	
17	DE II ENACIED DI THE CENERAL ACCEMENT OF THE CIATE OF ARRANGAS.	
18	SECTION 1. Arkansas Code Title 23, Chapter 99 is amended to ac	ld an
19	additional subchapter to read as follows:	
20	23-99-801. Title.	
21	This subchapter shall be known and may be cited as the "Patient	<u> </u>
22	Protection Act of 2005".	
23		
24	23-99-802. Legislative findings and intent.	
25	The General Assembly finds that a patient should be given the	
26	opportunity to see the health care provider of his or her choice. In	order to
27	assure the citizens of the State of Arkansas the right to choose a pr	<u>rovider</u>
28	of their choice, it is the intent of the General Assembly to provide	the
29	opportunity for providers to participate in health benefit plans.	
30		
31	23-99-803. Definitions.	
32	As used in this subchapter:	
33	(1) "Department" means the State Insurance Department;	
34	(2) "ERISA" means the federal Employee Retirement Income	_
35	Security Act of 1974, as amended, 29 U.S.C. § 1161 et seq. except § 1	169, and
36	as in effect on January 1, 2005;	

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1	(3) "Health benefit plan" means any health insurance policy or
2	certificate; health maintenance organization contract; hospital and medical
3	service corporation contract or certificate; self-insured plan or plan
4	provided by a multiple employer welfare arrangement, to the extent permitted
5	by ERISA; or any health benefit plan that affects the rights of an Arkansas
6	insured and bears a reasonable relation to the State of Arkansas, whether
7	delivered or issued for delivery in the state;
8	(4) "Health insurer" means any entity, including, but not
9	limited to, insurance companies, health maintenance organizations, hospital
10	and medical services corporations, preferred provider organizations,
11	physician hospital organizations, and third party administrators and
12	prescription benefit management companies, that is authorized by the State of
13	Arkansas to offer or provide health benefit plans, policies, subscriber
14	contracts, or any other contracts of similar nature which indemnify or
15	compensate health care providers for the provision of health care services.
16	(5) "Provider" means an individual or entity licensed by the
17	State of Arkansas to provide health care services, limited to the following
18	types of providers:
19	(A) Physicians and surgeons (M.D. and D.O.);
20	(B) Podiatrists;
21	(C) Chiropractors;
22	(D) Physical therapists;
23	(E) Speech pathologists;
24	(F) Audiologists;
25	(G) Dentists;
26	<pre>(H) Optometrists;</pre>
27	(I) Hospitals;
28	(J) Hospital-based services;
29	(K) Psychologists;
30	(L) Licensed professional counselors;
31	(M) Respiratory therapists;
32	(N) Pharmacists;
33	(0) Occupational therapists;
34	(P) Long-term care facilities;
35	(Q) Home health care providers;
36	(R) Hospice care providers;

1	(S) Licensed ambulatory surgery centers;	
2	(T) Rural health clinics;	
3	(U) Licensed certified social workers;	
4	(V) Licensed psychological examiners;	
5	(W) Advanced practice nurses;	
6	(X) Licensed dieticians;	
7	(Y) Community mental health centers or clinics;	
8	<pre>(Z) Certified orthotists;</pre>	
9	(AA) Prosthetists; and	
10	(BB) Other health care practitioners as determined by the	
11	department in rules promulgated under the Arkansas Administrative Procedure	
12	Act, § 25-15-201 et seq.; and	
13		
14	23-99-804. Nondiscrimination.	
15	A health insurer shall not discriminate against any provider who is	
16	located within the geographic coverage area of the health benefit plan and	
17	who is willing to meet the terms and conditions for participation establishe	
18	by the health insurer, including the Arkansas state Medicaid program and	
19	Medicaid partnerships.	
20		
21	23-99-805. Different classes of providers.	
22	Nothing in this subchapter shall be construed to require or prohibit	
23	the same reimbursement to different types of providers whose licensed scope	
24	of practice differs nor shall anything in this subchapter be construed to	
25	require or prohibit coverage of the services of any particular type of	
26	provider.	
27		
28	/s/ Faris	
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