

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 44

4
5 By: Senator Faris
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For An Act To Be Entitled

8
9 AN ACT TO PROVIDE FOR ENFORCEMENT OF THE PATIENT
10 PROTECTION ACT OF 2005; AND FOR OTHER PURPOSES.
11

Subtitle

12
13 AN ACT TO PROVIDE FOR ENFORCEMENT OF THE
14 PATIENT PROTECTION ACT OF 2005.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 SECTION 1. Civil penalties.

20 To the extent permitted by ERISA, the federal Employee Retirement
21 Income Security Act of 1974, as amended, 29 U.S.C. § 1161 et seq. except §
22 1169, and as in effect on January 1, 2005, any person adversely affected by a
23 violation of the Patient Protection Act of 2005 may sue in a court of
24 competent jurisdiction for injunctive relief against the health insurer and,
25 upon prevailing, shall, in addition to injunctive relief, recover damages of
26 not less than one thousand dollars (\$1,000), attorney's fees, and costs.
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28 SECTION 2. Validity and construction.

29 (a) A health benefit plan delivered or issued for delivery to any
30 person in this state in violation of the Patient Protection Act of 2005 but
31 otherwise binding on the health insurer, shall be held valid, but shall be
32 construed as provided in the Patient Protection Act of 2005.

33 (b) Any health benefit plan or related policy, rider, or endorsement
34 issued and otherwise valid that contains any condition, omission, or
35 provision not in compliance with the requirements of the Patient Protection
36 Act of 2005 shall not be rendered invalid because of the noncompliance, but



1 shall be construed and applied in accordance with such condition, omission,
2 or provision as would have applied if it had been in full compliance with the
3 Patient Protection Act of 2005.

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5 SECTION 3. Duty of Attorney General to defend.

6 In any legal proceeding in which the validity of the Patient Protection
7 Act of 2005 or this act is challenged, the Attorney General shall defend the
8 Patient Protection Act of 2005 and this act regardless of the state agency or
9 official named as an official party.

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11 SECTION 4. The definitions in the Patient Protection Act of 2005 shall
12 apply to this act.