

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 998

4
5 By: Senator B. Johnson
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For An Act To Be Entitled

8
9 AN ACT CONCERNING COVERAGE AND REIMBURSEMENT FOR
10 AUDIOLOGY SERVICES; AND FOR OTHER PURPOSES.
11

Subtitle

12
13 AN ACT CONCERNING COVERAGE AND
14 REIMBURSEMENT FOR AUDIOLOGY SERVICES.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 SECTION 1. Arkansas Code § 23-79-114(g), concerning audiology health
20 services performed by an audiologist instead of a person licensed under the
21 Arkansas Medical Practices Act, is amended to read as follows:

22 (g)(1) Notwithstanding any provision of any individual or group policy
23 of accident and health insurance or any provision of a policy, contract,
24 plan, or agreement for hospital or medical service or indemnity, ~~wherever the~~
25 each policy, contract, plan, or agreement ~~provides for~~ shall provide:

26 (A) Coverage of the insured for health care services in
27 the audiology field performed by a licensed audiologist under the Licensure
28 Act of Speech-Language Pathologists and Audiologists, § 17-100-101 et seq.;
29 and

30 ~~(B) payment or reimbursement for any service in the~~
31 ~~audiology field provided by persons licensed as audiologists under the~~
32 ~~Licensure Act of Speech Language Pathologists and Audiologists, § 17-100-101~~
33 ~~et seq., the person entitled to benefits or the person performing services~~
34 ~~under the policy, contract, plan, or agreement is entitled to payment or~~
35 ~~reimbursement on an equal basis for the service when the service is performed~~
36 ~~by any person licensed as an audiologist under the Licensure Act of Speech-~~



1 ~~Language Pathologists and Audiologists, § 17-100-101 et seq.~~ Payment or
 2 reimbursement for any service in the audiology field provided by persons
 3 licensed as audiologists under the Licensure Act of Speech-Language
 4 Pathologists and Audiologists, § 17-100-101 et seq., on an equal basis for
 5 the service as when the service is performed by any person licensed under the
 6 Arkansas Medical Practices Act, §§ 17-95-201 et seq., 17-95-301 et seq., and
 7 17-95-401 et seq.

8 (2) No person entitled to benefits under this subsection shall
 9 be denied his or her freedom of choice of any practitioner licensed under the
 10 Arkansas Medical Practices Act, §§ 17-95-201 et seq., 17-95-301 et seq., and
 11 17-95-401 et seq., or the Licensure Act of Speech-Language Pathologists and
 12 Audiologists, § 17-100-101 et seq., by any insurer or agent or employee of
 13 the insurer or by any department, agency, or employee of this state.

14 (3)(A) To the extent permitted by federal law any person
 15 adversely affected by a violation of this subsection (g) may sue in a court
 16 of competent jurisdiction for injunctive relief against the health insurer
 17 and, upon prevailing, shall, in addition to injunctive relief, recover
 18 damages of not less than one thousand dollars (\$1,000), attorney's fees, and
 19 costs.

20 (B) The Insurance Commissioner shall:

21 (1) Enforce this subsection (g) using powers granted
 22 to the commissioner in the Arkansas Insurance Code, Arkansas Code §§ 23-60-
 23 101, et seq.; and

24 (2) Be entitled to seek an injunction against a
 25 health insurer in a court of competent jurisdiction.

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 27 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
 28 General Assembly of the State of Arkansas that Act 1455 of 2003 was adopted
 29 by the General Assembly to assure freedom of choice for individuals receiving
 30 services from licensed audiologists and to assure equal payment or
 31 reimbursement to licensed audiologists; that despite Act 1455 of 2003
 32 licensed audiologist have had difficulty obtaining payment or reimbursement;
 33 and that to protect the health of the public this act is immediately
 34 necessary. Therefore, an emergency is declared to exist and this act being
 35 immediately necessary for the preservation of the public peace, health, and
 36 safety shall become effective on:

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(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.