1   State of Arkansas
2   91st General Assembly   A Bill
3   Regular Session, 2017   SENATE BILL 498
4
5   By: Senator Irvin
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7   **For An Act To Be Entitled**
8   AN ACT TO AMEND THE DEFINITION OF "HEALTHCARE PAYOR";
9   TO PROHIBIT WAIVER OF ALTERNATIVE PAYMENT SYSTEMS BY
10   CONTRACT; TO PROVIDE A LEGAL ENFORCEMENT MECHANISM TO
11   ENFORCE ALTERNATIVE PAYMENT SYSTEMS; AND FOR OTHER
12   PURPOSES.
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15   **Subtitle**
16   TO AMEND THE DEFINITION OF "HEALTHCARE
17   PAYOR"; TO PROHIBIT WAIVER OF ALTERNATIVE
18   PAYMENT SYSTEMS BY CONTRACT; TO PROVIDE A
19   LEGAL ENFORCEMENT MECHANISM TO ENFORCE
20   ALTERNATIVE PAYMENT SYSTEMS.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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25   SECTION 1. Arkansas Code § 23-99-902(3)(A), concerning the definition
26 of "healthcare payor", is amended to read as follows:
27   (3)(A) "Healthcare payor" means an entity that reimburses a
28 physician for the delivery of healthcare services that are covered by ~~the~~
29 ~~healthcare payor~~ a plan administered, issued, or delivered by the entity.
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31   SECTION 2. Arkansas Code Title 23, Chapter 99, Subchapter 9, is
32 amended to add additional sections to read as follows:
33   23-99-904. Waiver prohibited.
34   (a) The provisions of this subchapter shall not be waived by contract.
35   (b) Contractual arrangements or actions taken in conflict with this
36 subchapter or that purport to waive any requirements of this subchapter are

1   void.

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3   23-99-905. Enforcement.

4   (a)   The State Insurance Department shall develop and promulgate rules

5   for the implementation and enforcement of this subchapter.

6   (b)   In addition to or as an alternative to any enforcement action by

7   the department, a physician, a physician practice or clinic, or an

8   organization that represents physicians may enforce this subchapter by filing

9   suit against a healthcare payor in:

10   (1)   Pulaski County Circuit Court; or

11   (2)   The circuit court of a county in Arkansas in which one (1)

12   of the physician claimants resides or does business.

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