

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

A Bill

HOUSE BILL 1907

5 By: Representative Lowery
6 By: Senator K. Hammer
7

For An Act To Be Entitled

9 AN ACT TO ENABLE HEALTHCARE PROVIDERS TO MAKE
10 APPROPRIATE BILLING DECISIONS THAT ARE IN THE BEST
11 INTEREST OF PATIENTS; TO ESTABLISH THE BILLING IN THE
12 BEST INTEREST OF PATIENTS ACT; AND FOR OTHER
13 PURPOSES.
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Subtitle

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17 TO ENABLE HEALTHCARE PROVIDERS TO MAKE
18 APPROPRIATE BILLING DECISIONS THAT ARE IN
19 THE BEST INTEREST OF PATIENTS; AND TO
20 ESTABLISH THE BILLING IN THE BEST
21 INTEREST OF PATIENTS ACT.
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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26 SECTION 1. Arkansas Code Title 23, Chapter 99, is amended to add an
27 additional subchapter to read as follows:

28 Subchapter 14 – Billing in the Best Interest of Patients Act
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30 23-99-1401. Title.

31 This subchapter shall be known and may be cited as the "Billing in the
32 Best Interest of Patients Act".
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34 23-99-1402. Definitions.

35 As used in this subchapter:

36 (1) "Enrollee" means an individual who is entitled to receive



1 healthcare services under the terms of a health benefit plan;

2 (2)(A) "Health benefit plan" means an individual, blanket, or
3 group plan, policy, or contract for healthcare services issued, renewed,
4 delivered, or extended in this state by a healthcare payor in this state.

5 (B) "Health benefit plan" includes:

6 (i) Indemnity and managed care plans; and

7 (ii) Plans providing health benefits to state and
8 public school employees under § 21-5-401 et seq.

9 (C) "Health benefit plan" does not include:

10 (i) A plan that provides only dental benefits or eye
11 and vision care benefits;

12 (ii) A disability income plan;

13 (iii) A credit insurance plan;

14 (iv) Insurance coverage issued as a supplement to
15 liability insurance;

16 (v) Medical payments under an automobile or
17 homeowners' insurance plan;

18 (vi) A health benefit plan provided under Arkansas
19 Constitution, Article 5, § 32, the Workers' Compensation Law, § 11-9-101 et
20 seq., and the Public Employee Workers' Compensation Act, § 21-5-601 et seq.;

21 (vii) A plan that provides only indemnity for
22 hospital confinement;

23 (viii) An accident-only plan; or

24 (ix) A specified disease plan;

25 (3) "Healthcare payor" means:

26 (A) A health insurance company;

27 (B) A health maintenance organization;

28 (C) A hospital and medical services corporation; and

29 (D) An entity that provides or administers a self-funded
30 health benefit plan, including a governmental plan;

31 (4) "Healthcare provider" means individuals or entities licensed
32 by the State of Arkansas to provide healthcare services, limited to the
33 following:

34 (A) Advanced practice nurses;

35 (B) Athletic trainers;

36 (C) Audiologists;

1 (D) Certified behavioral health providers;
 2 (E) Certified orthotists;
 3 (F) Chiropractors;
 4 (G) Community mental health centers or clinics;
 5 (H) Dentists;
 6 (I) Home health care;
 7 (J) Hospice care;
 8 (K) Hospital-based services;
 9 (L) Hospitals;
 10 (M) Licensed ambulatory surgery centers;
 11 (N) Licensed certified social workers;
 12 (O) Licensed dieticians;
 13 (P) Licensed intellectual and developmental disabilities
 14 service providers;
 15 (Q) Licensed professional counselors;
 16 (R) Licensed psychological examiners;
 17 (S) Long-term care facilities;
 18 (T) Occupational therapists;
 19 (U) Optometrists;
 20 (V) Pharmacists;
 21 (W) Physical therapists;
 22 (X) Physicians and surgeons (M.D. and D.O.);
 23 (Y) Podiatrists;
 24 (Z) Prosthetists;
 25 (AA) Psychologists;
 26 (BB) Respiratory therapists;
 27 (CC) Rural health clinics; and
 28 (DD) Speech pathologists;

29 (5) "Healthcare services" means services and products, including
 30 prescription medication, provided by a healthcare provider within the scope
 31 of the healthcare provider's license; and

32 (6) "Prescription medication" means a drug or biologic that is
 33 prescribed by a healthcare provider to a patient for the purpose of
 34 alleviating, curing, preventing, or healing illness, injury, or physical
 35 disability.

1 23-99-1403. Determination of best interest for enrollee – Billing
2 decision.

3 (a) A healthcare provider who provides healthcare services and
4 prescribes prescription medication to an enrollee may make a determination
5 that is in the best interest of the enrollee to bill the enrollee's:

6 (1) Healthcare payor; or

7 (2) Pharmacy benefits carrier.

8 (b) Every health benefit plan that is issued, renewed, delivered, or
9 extended in this state and every group health benefit plan that is issued,
10 renewed, delivered, or extended outside this state, for an enrollee who is a
11 resident of this state that provides coverage for prescription medication
12 shall allow a healthcare provider to make any appropriate billing decisions
13 concerning healthcare services and administering of prescription medication
14 that is in the best interest of the enrollee.

15 (c) A healthcare payor shall not require an enrollee to self-
16 administer prescription medication if a healthcare provider determines it is
17 in the best interest of the enrollee for a prescription medication to be
18 administered by a healthcare provider regardless of the formulation or
19 benefit category determination by the health benefit plan.

20 (d) If a determination is made by a healthcare provider that it is in
21 the enrollee's best interest for the healthcare provider to administer any
22 prescription medication, then a healthcare payor shall not impose a
23 copayment, coinsurance, or a deductible amount or a combination of a
24 copayment, coinsurance, or a deductible amount charged to the enrollee for a
25 prescription medication that may be self-administered that is greater than
26 the copayment, coinsurance, or deductible amount charged to the enrollee for
27 the cost of the prescription medication if it was self-administered by the
28 enrollee.

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30 23-99-1404. Rules.

31 The Insurance Commissioner shall develop and promulgate rules for the
32 implementation and administration of this subchapter.