

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

A Bill

SENATE BILL 119

5 By: Senator Irvin
6 By: Representative L. Johnson
7

For An Act To Be Entitled

9 AN ACT TO CLARIFY PAYMENT FOR HEALTHCARE SERVICES
10 PERFORMED BY CERTAIN OUTPATIENT SURGERY CENTERS; AND
11 FOR OTHER PURPOSES.
12
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Subtitle

15 TO CLARIFY PAYMENT FOR HEALTHCARE
16 SERVICES PERFORMED BY CERTAIN OUTPATIENT
17 SURGERY CENTERS.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code § 23-79-115(a), concerning the rates of
23 insurance policy reimbursement for services, is amended to read as follows:

24 (a)(1)~~(A) Notwithstanding any provisions of any individual or group~~
25 ~~accident and health insurance policy, or any provision of a policy, contract,~~
26 ~~plan, or agreement covering hospital or medical services, in~~ In cases in
27 which the insurer, under a policy, contract, plan, or agreement, provides for
28 payment or reimbursement for any healthcare service provided by ~~hospitals or~~
29 ~~related facilities~~ a hospital or related facility as defined in § 20-9-201 or
30 § 20-10-213, the person entitled to payment or reimbursement for the
31 healthcare services service under the policy, contract, plan, or agreement,
32 including without limitation a healthcare provider, is entitled to payment or
33 reimbursement on an equal basis for the healthcare service when the
34 healthcare service is provided by ~~facilities~~ a facility licensed as an
35 outpatient surgery ~~centers~~ center under §§ 20-9-214 and 20-9-215.

36 (B) Subdivision (a)(1)(A) of this section applies



1 notwithstanding any provision of:

2 (i) An individual or group accident and health
3 insurance policy;

4 (ii) A policy, contract, plan, or agreement covering
5 hospital or medical services;

6 (iii) A network participation agreement; or

7 (iv) An agreement between an insurer and a
8 healthcare provider.

9 (2) This subsection applies to an insurance ~~policies~~ policy and
10 hospital service corporation ~~contracts~~ contract that are is delivered or
11 issued for delivery in this state more than one hundred twenty (120) days
12 after July 6, 1977, and to such any other ~~contracts, plans, or agreements~~
13 contract, plan, or agreement that are is entered into or effectuated in this
14 state more than one hundred twenty (120) days after July 6, 1977, including
15 without limitation a network participation agreement or an agreement between
16 an insurer and a healthcare provider.

17 (3)(A) An insurer may consider and apply the Patient Protection
18 Act of 1995, § 23-99-201 et seq., and § 23-99-801 et seq. when setting a rate
19 for payment or reimbursement for a healthcare service that is provided by an
20 outpatient surgery center licensed under §§ 20-9-214 and 20-9-215.

21 (B) An insurer shall not set a rate for payment or
22 reimbursement for a healthcare service that is less than ninety percent (90%)
23 of the average rate of payment or reimbursement for a healthcare service by
24 an insurer under the relevant Current Procedural Terminology code for a
25 procedure billed as a hospital outpatient service for a county where the
26 outpatient surgery center licensed under §§ 20-9-214 and 20-9-215 is located.

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