

State of Arkansas
93rd General Assembly
Regular Session, 2021

A Bill

HOUSE BILL 1573

By: Representatives M. Gray, Perry

By: Senator D. Wallace

For An Act To Be Entitled

AN ACT TO AMEND THE STATUTES CONCERNING PROCURERS; TO
REGULATE THE USE OF A PROCURER BY A LICENSED
CHIROPRACTIC PHYSICIAN; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE STATUTES CONCERNING
PROCURERS; AND TO REGULATE THE USE OF A
PROCURER BY A LICENSED CHIROPRACTIC
PHYSICIAN.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 5-37-506(a)(1), concerning prohibited activities by a procurer or provider, is amended to add additional subdivisions to read as follows:

(C) States, implies, or otherwise communicates to another person that:

(i) The person has an affiliation with an insurance company;

(ii) Payment of an insurance claim or insurance coverage is available or otherwise affected by the other person's willingness to see a specific provider;

(iii) The Attorney General's office, the Arkansas State Board of Chiropractic Examiners, or any other regulatory or governmental agency has approved or is otherwise affiliated with the procurer; or



(iv) A specific medical facility is a preferred medical clinic or in-network provider for any purpose;

(D) Offers or gives anything of value or promises payment or a gift of any kind in connection with a solicitation contact with another person;

(E) Uses a false name or identity during a solicitation of another person;

(F) Provides or promises to provide to another person a prescription or nonprescription medication or medical supplies, unless the person is authorized to prescribe and treat as a licensed healthcare provider under state law;

(G) Attempts to solicit another person using a telephone number that is not registered with the board; or

(H) Makes any other statement to another person that is deceptive or misleading within the context of a solicitation.

SECTION 2. Arkansas Code § 17-81-106 is amended to read as follows:

17-81-106. Health and police rules applicable.

Chiropractic ~~practitioners~~ physicians licensed under this chapter shall be:

(1) bound Bound by all applicable health and police rules of the state; ~~and~~

(2) They shall be qualified Qualified to sign death certificates, insurance certificates, and all other certificates pertaining to public health with like effect as other licensed physicians.

SECTION 3. Arkansas Code § 17-81-107(b), concerning the use of a procurer by a physician, is amended to read as follows:

(b)(1) A chiropractic physician who uses a procurer is required to:

~~(1)(A)~~ (A) Have a written contract with the procurer or procurement company with whom the chiropractic physician engages; and

~~(2)(B)~~ (B) Register the name of any procurer with whom the chiropractic physician contracts with the Arkansas State Board of Chiropractic Examiners.

(2) A chiropractic physician shall register a procurer with the board by filing the following information with the board on a form approved

by the board:

(A) The full legal name of the procurer with whom the chiropractic physician has a current contract and engages;

(B) A valid state-issued photo identification or driver's license, or both;

(C) The procurer's permanent home address;

(D) The procurer's business telephone number solely used for client communication purposes; and

(E) The name, telephone number, and address of the chiropractic physician engaging the procurer.

(3) The chiropractic physician shall provide the board with updated procurer registration information, should any of the information required under subdivision (b)(2) of this section change during the year.

(4)(A) The procurer registration expires on December 31 of each year.

(B) If a chiropractic physician engages a procurer, the chiropractic physician shall register the procurer annually.

SECTION 4. Arkansas Code § 17-81-107, concerning the use of a procurer by a chiropractic physician, is amended to add additional subsections to read as follows:

(c) A violation of this section shall result in the following:

(1) Any payments paid by, or on behalf of, an individual named in a motor vehicle accident report for medical services provided by the chiropractic physician to the individual named in a motor vehicle accident report shall be returned to the individual, insurance company, or other payor; and

(2) The prohibition of a chiropractic physician from attempting to collect fees for medical services from an individual named in a motor vehicle accident report.

(d) A procurer operating in this state shall:

(1) Develop a telephone solicitation training program for all employees or authorized representatives of the procurer;

(2) Develop and maintain a solicitation script for use by all employees and authorized representatives of the procurer;

(3)(A) Make and keep accounts, correspondence, memoranda,

papers, books, and other records for a period of at least five (5) years.

(B) The records described in subdivision (d)(3)(A) of this section shall include:

(i) The names and telephone numbers of individuals solicited;

(ii) The name of the chiropractic physician with whom the procurer has contracted as required under subsection (b) of this section;

(iii) If solicitation with an individual is initiated due to a motor vehicle accident, then the date and time of the motor vehicle accident;

(iv) The amount of compensation paid to a procurer for the solicitation of each actual or potential patient, customer, or client; and

(v) Any moneys shared by the procurer with other persons for conducting work as a procurer;

(4) Maintain a log of all training programs required under subdivision (d)(1) of this section that are provided to a procurer and the employees or authorized representatives of the procurer that includes:

(A) The curriculum of any training program;

(B) The dates upon which any training program is provided;

and

(C) The signature of each individual participating in the training program and acknowledgment that he or she has completed the training program and agrees to perform the work of solicitation according to the training program; and

(5) Maintain all solicitations, advertisements, and advertising materials used by the procurer in soliciting clients for the services of a chiropractic physician.

(e) It is unlawful for a procurer to transact business in this state if the procurer has not met the contract and registration requirements under subsection (b) of this section.

(f) The board may adopt rules to implement this section.

(g)(1) A chiropractic physician convicted of a Class D felony under § 5-37-505 or § 5-37-506 is subject to mandatory license revocation.

(2) A procurer convicted of a Class D felony under § 5-37-505 or

§ 5-37-506 is disqualified from transacting business in this state as a procurer under this subchapter.

(h) A violation of this section is a deceptive and unconscionable trade practice under § 4-88-107 and is subject to the penalties, remedies, and enforcement provisions under § 4-88-101 et seq.

APPROVED: 4/6/21