

State of Arkansas
94th General Assembly
Regular Session, 2023

A Bill

SENATE BILL 348

By: Senator M. Johnson

For An Act To Be Entitled

AN ACT TO AMEND THE LIABILITY OF THIRD PARTIES TO THE DEPARTMENT OF HUMAN SERVICES FOR ARKANSAS MEDICAID PROGRAM CLAIMS BY ESTABLISHING PROMPT PAYMENT GUIDELINES AND TIME PERIODS FOR WAIVERS AND FINAL RESOLUTIONS OF CLAIMS AND CLARIFYING THAT A DENIAL OF A CLAIM CANNOT BE FOR A LACK OF PRIOR AUTHORIZATION IN CERTAIN CIRCUMSTANCES; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LIABILITY OF THIRD PARTIES TO THE DEPARTMENT OF HUMAN SERVICES FOR ARKANSAS MEDICAID PROGRAM CLAIMS.

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

SECTION 1. Arkansas Code § 20-77-306(d), concerning liability of third parties to the Department of Human Services, is amended to read as follows:

(d) A health insurer or a third party shall:

(1) Accept Medicaid's right of recovery and the assignment to Medicaid of the right of a Medicaid recipient or other entity for payment from the health insurer or a third party for an item or a service for which Medicaid has made payment;

(2) Subject to the time limits imposed under subdivision (d)(3) of this section and subsection (f) of this section, process and, if appropriate, pay Medicaid reimbursement claims to the same extent that the plan would have been liable had it been properly billed at the point of sale; and



(3) Agree not to deny claims submitted by the department based on:

(A) A failure to present proper documentation of coverage at the point of sale; ~~or~~

(B) The date of submission of the claim if the claim is submitted within three (3) years from the date on which the claimed item or service was furnished; or

(C) A lack of prior authorization if the department authorized the item or service; and

(4) Agree to respond to any inquiry regarding claims within sixty (60) business days after receipt of the written documentation by the Medicaid recipient.

APPROVED: 3/21/23