

Stricken language would be deleted from and underlined language would be added to present law.
Act 309 of the Regular Session

State of Arkansas As Engrossed: H2/11/25 H2/18/25 H2/20/25 S3/10/25

95th General Assembly

A Bill

Regular Session, 2025

HOUSE BILL 1405

By: Representatives J. Richardson, Gramlich, L. Johnson

By: Senator J. Boyd

For An Act To Be Entitled

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

Subtitle

TO AMEND THE STATUTES CONCERNING PROCURERS; AND TO ADD ADDITIONAL REGULATIONS REGARDING 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 § 17-81-107(a), concerning the definitions related to the use of a procurer by a chiropractic physician, is amended to add an additional subdivision to read as follows:

(3) "Solicit" means the initiation of in-person communication, telemarketing communication, telephonic communication, text message communication, internet direct message communication, or any other electronic direct message communication, or any combination of communications, by a chiropractic physician, including by his or her employee, agent, independent contractor, or procurer.

SECTION 2. Arkansas Code § 17-81-107(b), concerning the use of a procurer by a chiropractic physician, is amended to read as follows:

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



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

(B) Register the name of ~~any~~ each 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, of the procurer;

(C) The procurer's permanent home address;

(D) The procurer's ~~business~~ telephone number ~~solely~~ used for client communication purposes or to make calls and send electronic text messages to potential clients; and

(E) The name, telephone number, and address of the chiropractic physician engaging or employing 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 3. Arkansas Code § 17-81-107(c), concerning violations for the improper use of a procurer, is amended to read as follows:

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

(1)(A) 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.

(B) The chiropractic physician shall pay reasonable attorney's fees incurred by a person collecting the payments described in

subdivision (c)(1)(A) of this section; 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;

(3) A fine in the amount of the five hundred dollars (\$500) from the board; and

(4)(A) A private civil action in any competent jurisdiction if the person suffered a pecuniary loss because of the chiropractic physician's violation of this section.

(B) A person who suffers pecuniary loss because of a chiropractic physician and brings an action under subdivision (c)(4)(A) of this section shall recover:

(i) The pecuniary loss caused by the violation;

(ii) Court costs;

(iii) Reasonable attorney's fee; and

(iv) The greater of:

(a) Five hundred dollars (\$500); or

(b) Twice the amount of the pecuniary loss.

SECTION 4. Arkansas Code § 17-81-107(d)(3)(B), concerning the requirements of a procurer operating in this state, is amended to read as follows:

(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) The extent of any treatment or medical services

obtained by the individual; and

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

SECTION 5. 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:

(i) A chiropractic physician, including his or her employee, agent, independent contractor, or procurer, shall not solicit an individual who has been involved in an accident, disaster, or other event that causes injury for the purpose of treating injuries that the individual sustained or may have sustained in the accident, disaster, or other event unless:

(1) The chiropractic physician has a family or prior professional relationship with the individual; or

(2) The chiropractic physician solicits the individual more than fourteen (14) days after the date of the motor vehicle accident.

(j) A chiropractic physician shall have solicited services if the chiropractic physician performs services on an individual who is referred by:

(1) A procurer registered under this section of the chiropractic physician; or

(2) Any person who receives compensation from the chiropractic physician in consideration of referrals, regardless of the relationship between the referring person and chiropractic physician.

(k) Direct solicitation of a person who is under eighteen (18) years of age is prohibited.

(l) A chiropractic physician is liable for any representation made by a procurer soliciting services on behalf of the chiropractic physician, regardless of the existence of any written contract between the chiropractor and a procurer, if:

(1) The chiropractic physician provides or has provided compensation to the procurer for referrals; and

(2) A reasonable expectation exists that the procurer will be compensated for referring individuals to the chiropractic physician.

(m) Solicitation conducted by a procurer shall not:

(1) Initiate from a telephone number other than the telephone number registered with the board;

(2) Falsely state, imply, or otherwise communicate that:

(A) He or she has an affiliation with an insurance company unless he or she is an authorized representative of an insurance company;

(B) Payment of an insurance claim or insurance coverage will be available or otherwise affected by the individual's willingness to see a specific chiropractic physician or healthcare provider;

(C) The Attorney General's Office, the board, or any other regulatory or governmental agency has approved or is otherwise affiliated with the procurer; or

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

(3) Offer or give anything of value or promise payment or gifts of any kind in connection with a solicitation contact;

(4) Use a false name or identity during the solicitation;

(5) Provide or promise to provide a prescription or nonprescription medication or medical supplies unless he or she is authorized to prescribe and treat according to state law; or

(6) Make any other statement that is deceptive or misleading within the context of a solicitation.

(n) This section does not prohibit:

(1) Solicitation by targeted direct-mail advertising or other forms of written, radio, or television advertising, if the advertising does not involve coercion, duress, or harassment and is not false, deceptive, or misleading; or

(2) Advertisement of a chiropractic physician's services by website or any social media account if the chiropractic physician does not use the website or social media account to solicit an individual in violation of subdivision (i) of this section.

/s/J. Richardson

APPROVED: 3/18/25