

INTERIM STUDY PROPOSAL 2019-156

State of Arkansas  
92nd General Assembly  
Second Extraordinary Session, 2020

**A Bill**

ANS/ANS  
SENATE BILL

By: Senator Irvin

Filed with: Senate Committee on Public Health, Welfare, and Labor  
pursuant to A.C.A. §10-3-217.

**For An Act To Be Entitled**

AN ACT TO SUSPEND PAYMENT AUDITS OF HEALTHCARE PROVIDERS; TO PROVIDE AN OVERPAYMENT RECOVERY TIME LIMIT TOLL FOR HEALTHCARE PROVIDERS; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

**Subtitle**

TO SUSPEND PAYMENT AUDITS OF HEALTHCARE PROVIDERS; TO PROVIDE AN OVERPAYMENT RECOVERY TIME LIMIT TOLL FOR HEALTHCARE PROVIDERS; AND TO DECLARE AN EMERGENCY.

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

SECTION 1. Arkansas Code Title 23, Chapter 63, Subchapter 18, is amended to add an additional section to read as follows:

23-63-1809. Audits and overpayment recovery time limit for recoupment of overpayments by healthcare insurers to healthcare providers.

(a) If the Governor declares a disaster emergency under the Arkansas Emergency Services Act of 1973, § 12-75-101 et seq., as part of the state's response to coronavirus disease 2019 (COVID-19), a healthcare insurer offering health insurance coverage in this state shall:

(1) Suspend payment audits of healthcare providers during the coronavirus disease 2019 (COVID-19) outbreak for up to sixty (60) days at the request of the healthcare provider; and

1           (2) Toll the time limit on overpayment recovery or recoupment or  
2 any other agreed-upon time limit between a healthcare insurer and a  
3 healthcare provider for up to sixty (60) days at the request of the  
4 healthcare provider.

5           (b) The extension described in subsection (a) of this section does not  
6 prohibit a healthcare insurer from retroactively auditing payments or  
7 pursuing recoupment once the public health disaster emergency declaration  
8 expires.

9  
10           SECTION 2. EMERGENCY CLAUSE. It is found and determined by the  
11 General Assembly of the State of Arkansas that healthcare providers are an  
12 important part in the state's response to mitigate the spread of coronavirus  
13 disease 2019 (COVID-19), and due to the audits and overpayment recovery or  
14 recoupment between a healthcare insurer and a healthcare provider and  
15 healthcare providers may not be able to provide proper treatment and care to  
16 Arkansans, causing unnecessary and undue stress; that suspending audits of  
17 healthcare providers and tolling the time limit on overpayment recovery or  
18 recoupment between healthcare insurers and healthcare providers could reduce  
19 the stress and uncertainty of healthcare providers; and that this act is  
20 immediately necessary because healthcare providers should be allowed to  
21 render services to Arkansans who are diagnosed with coronavirus disease 2019  
22 (COVID-19) without impediments such as audits and recoupment for overpayments  
23 by healthcare insurers. Therefore, an emergency is declared to exist, and  
24 this act being immediately necessary for the preservation of the public  
25 peace, health, and safety shall become effective on:

26           (1) The date of its approval by the Governor;

27           (2) If the bill is neither approved nor vetoed by the Governor,  
28 the expiration of the period of time during which the Governor may veto the  
29 bill; or

30           (3) If the bill is vetoed by the Governor and the veto is  
31 overridden, the date the last house overrides the veto.

32  
33  
34 Referred by Senator Irvin

35 Prepared by: ANS/ANS

36