

State of Arkansas
90th General Assembly
Regular Session, 2015

A Bill

HOUSE BILL 1161

By: Representatives Hammer, Gonzales

For An Act To Be Entitled

AN ACT TO EXEMPT A CONCIERGE SERVICE ARRANGEMENT FROM
THE INSURANCE LAWS OF ARKANSAS; AND FOR OTHER
PURPOSES.

Subtitle

TO EXEMPT A CONCIERGE SERVICE ARRANGEMENT
FROM THE INSURANCE LAWS OF ARKANSAS.

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

SECTION 1. Arkansas Code § 23-60-104 is amended to read as follows:

23-60-104. Exceptions – Burial associations – Health care sharing
ministries – Concierge service arrangements – Definition Definitions.

(a) The Arkansas Insurance Code and rules promulgated by the Insurance
Commissioner under the Arkansas Insurance Code do not apply to a:

(1) Burial ~~associations~~ association governed by §§ 23-78-101 –
23-78-119, and §§ 23-78-121 – 23-78-125; ~~or~~

(2) Concierge service arrangement; or

(3) Health care sharing ~~ministries~~ ministry.

(b) As used in this section,:

(1)(A) "Concierge service arrangement" means a contractual
agreement between a licensed healthcare provider and an individual to provide
select medical services as specified under a medical arrangement for an
established fee.

(B) A concierge service arrangement shall provide a
written disclaimer on or accompanying an application distributed by or on
behalf of an entity offering a concierge service arrangement that reads, in



substance:

"Notice: A concierge service arrangement is not an insurance policy, and the select medical services as specified under a concierge service arrangement may not constitute the minimum essential health benefits under federal healthcare laws established by Pub. L. No. 111-148, as amended by Pub. L. No. 111-152, and any amendments to, or regulations or guidance issued under, those statutes existing on January 1, 2015. Medical services provided under a concierge service arrangement may not be covered by or coordinated with your health insurance and you may be responsible for any payment for medical services not covered by health insurance under your insurer's statement of benefits policy."; and

(2) "~~health~~ Health care sharing ministry" means a faith-based, nonprofit organization that:

~~(1)~~(A) Is tax-exempt under the Internal Revenue Code of 1986;

~~(2)~~(B) Limits participation to those who are of a similar faith;

~~(3)~~(C) Facilitates an arrangement to match participants who have financial or medical needs to participants with the present ability to assist those with financial or medical needs according to criteria established by the health care sharing ministry;

~~(4)~~(D) Provides for the financial or medical needs of a participant through contributions from one (1) participant to another;

~~(5)~~(E) Establishes contribution amounts for participants with no guarantee of return, assumption of risk, or promise to pay qualified medical needs of the participant or of the medical provider performing the service or services for the participant;

~~(6)~~(F) Provides a written monthly statement to its participants that lists:

~~(A)~~(i) The total dollar amount of qualified needs submitted to the health care sharing ministry; and

~~(B)~~(ii) The amount of contribution established for its participants;

~~(7)~~(G) Provides a written disclaimer on or accompanying an application and guideline material distributed by or on behalf of the health care sharing ministry that reads, in substance:

"Notice: The organization facilitating the sharing of medical expenses is not an insurance company and neither its guidelines nor plan of operation is an insurance policy. If anyone chooses to assist you with your medical bills, it will be totally voluntary because participants are not compelled by law to contribute toward your medical bills. Participation in the organization or a subscription to any of its documents should never be considered to be insurance. Regardless of whether you receive a payment for medical expenses or if this organization continues to operate, you are always personally responsible for the payment of your own medical bills."; and

~~(8)(H)~~ Transfers or distributes contribution amounts from one (1) participant to match the qualified medical needs of another participant to whom neither the organization nor the sending participant has an obligation or commitment to pay for any qualified medical needs with its own funds.

SECTION 2. Arkansas Code § 23-76-103(c), concerning the applicability of the Arkansas Insurance Code and laws concerning hospital and medical service corporations, is amended to read as follows:

(c) This chapter does not apply to a:

(1) health Health care sharing ministries ministry as defined in § 23-60-104(b); or

(2) Concierge service arrangement as defined in § 23-60-104(b).