

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas  
94th General Assembly  
Regular Session, 2023

# A Bill

SENATE BILL 119

By: Senator Irvin  
By: Representative L. Johnson

## For An Act To Be Entitled

AN ACT TO CLARIFY PAYMENT FOR HEALTHCARE SERVICES  
PERFORMED BY CERTAIN OUTPATIENT SURGERY CENTERS; AND  
FOR OTHER PURPOSES.

### Subtitle

TO CLARIFY PAYMENT FOR HEALTHCARE  
SERVICES PERFORMED BY CERTAIN OUTPATIENT  
SURGERY CENTERS.

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

SECTION 1. Arkansas Code § 23-79-115(a), concerning the rates of insurance policy reimbursement for services, is amended to read as follows:

(a)(1)~~(A)~~ ~~Notwithstanding any provisions of any individual or group accident and health insurance policy, or any provision of a policy, contract, plan, or agreement covering hospital or medical services, in~~ In cases in which the insurer, under a policy, contract, plan, or agreement, provides for payment or reimbursement for any healthcare service provided by ~~hospitals or related facilities~~ a hospital or related facility as defined in § 20-9-201 or § 20-10-213, the person entitled to payment or reimbursement for the healthcare services service under the policy, contract, plan, or agreement, including without limitation a healthcare provider, is entitled to payment or reimbursement on an equal basis for the healthcare service when the healthcare service is provided by ~~facilities~~ a facility licensed as an outpatient surgery ~~centers~~ center under §§ 20-9-214 and 20-9-215.

(B) Subdivision (a)(1)(A) of this section applies



notwithstanding any provision of:

- (i) An individual or group accident and health insurance policy;
- (ii) A policy, contract, plan, or agreement covering hospital or medical services;
- (iii) A network participation agreement; or
- (iv) An agreement between an insurer and a healthcare provider.

(2) This subsection applies to an insurance ~~policies~~ policy and hospital service corporation ~~contracts~~ contract that are is delivered or issued for delivery in this state more than one hundred twenty (120) days after July 6, 1977, and to such any other ~~contracts, plans, or agreements~~ contract, plan, or agreement that are is entered into or effectuated in this state more than one hundred twenty (120) days after July 6, 1977, including without limitation a network participation agreement or an agreement between an insurer and a healthcare provider.

(3)(A) An insurer may consider and apply the Patient Protection Act of 1995, § 23-99-201 et seq., and § 23-99-801 et seq. when setting a rate for payment or reimbursement for a healthcare service that is provided by an outpatient surgery center licensed under §§ 20-9-214 and 20-9-215.

(B) An insurer shall not set a rate for payment or reimbursement for a healthcare service that is less than ninety percent (90%) of the average rate of payment or reimbursement for a healthcare service by an insurer under the relevant Current Procedural Terminology code for a procedure billed as a hospital outpatient service for a county where the outpatient surgery center licensed under §§ 20-9-214 and 20-9-215 is located.