

State of Arkansas  
95th General Assembly  
Regular Session, 2025

# A Bill

HOUSE BILL 1237

By: Representative J. Richardson

By: Senator J. Boyd

## For An Act To Be Entitled

AN ACT TO PROHIBIT MEDICAL PROFESSIONALS FROM SOLICITING INJURED INDIVIDUALS; TO SET PENALTIES FOR A VIOLATION OF THE PROHIBITION OF SOLICITATION OF INJURED INDIVIDUALS; AND FOR OTHER PURPOSES.

## Subtitle

TO PROHIBIT MEDICAL PROFESSIONALS FROM SOLICITING INJURED INDIVIDUALS; AND TO SET PENALTIES FOR A VIOLATION OF THE PROHIBITION OF SOLICITATION OF INJURED INDIVIDUALS.

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

Section 1. Arkansas Code Title 17, Chapter 80, Subchapter 1, is amended to add an additional section to read as follows:

17-80-123. Solicitation of injured individuals.

(a) As used in this section:

(1) "Medical professional" means a person licensed or certified to practice healthcare services under Subtitle 3 of Title 17; and

(2) "Solicitation" means in-person, telemarketing, telephonic, text message, internet, or electronic direct message communication.

(b) A medical professional, including his or her employee, agent, or independent contractor, shall not conduct or facilitate the solicitation of an individual who has been injured or 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 medical professional has a family or prior professional relationship with the individual; or

(2) The solicitation occurs more than thirty (30) days after the date of the accident, disaster, or other event that causes the injury.

(c)(1) A violation of this section is a Class D felony.

(2)(A) An agreement to pay for healthcare services provided by a medical professional as a result of a violation of this section is invalid.

(B) A person shall not collect or pursue collection for any debt arising from an agreement as described in subdivision (c)(2)(A) of this section.

(3) A patient, person, or insurance company who paid as a result of an agreement described in subdivision (c)(2)(A) of this section shall receive:

(A) A complete refund of money paid for healthcare services provided by a medical professional resulting from a violation of this section; and

(B) Reasonable attorney's fees incurred when collecting the refund described in subdivision (c)(3)(A) of this section.

(d) This section does not prohibit solicitation by targeted direct-mail advertising or other forms of written, radio, or television advertising, provided the advertising does not involve coercion, duress, or harassment and is not false, deceptive, or misleading.

(e) A violation of this section is a deceptive and unconscionable trade practice under the Deceptive Trade Practices Act, § 4-88-101 et seq., and is subject to the enforcement provisions of the Deceptive Trade Practices Act, § 4-88-101 et seq.

(f) A person suffering a pecuniary loss due to a violation of this section may bring a private cause of action in any court of competent jurisdiction and shall recover:

(1) The pecuniary loss caused by the violation;

(2) Costs;

(3) Reasonable attorney's fees; and

(4) The greater of:

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

(B) Twice the amount of the pecuniary loss.

(g) The relief provided in this section is in addition to remedies or penalties otherwise available in regard to the same conduct under law or under other statutes of this state.