

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

State of Arkansas As Engrossed: H2/6/25 H2/11/25 H2/20/25 H3/20/25 S4/7/25

95th General Assembly

A Bill

Regular Session, 2025

HOUSE BILL 1290

By: Representatives L. Johnson, Vaught

By: Senator J. Boyd

For An Act To Be Entitled

AN ACT TO MANDATE COVERAGE FOR MENTAL HEALTH WELLNESS EXAMINATIONS; TO ESTABLISH THE ARKANSAS SUPPORT OF MENTAL HEALTH WELLNESS EXAMINATIONS ACT; AND FOR OTHER PURPOSES.

Subtitle

TO MANDATE COVERAGE FOR MENTAL HEALTH WELLNESS EXAMINATIONS; AND TO ESTABLISH THE ARKANSAS SUPPORT OF MENTAL HEALTH WELLNESS EXAMINATIONS ACT.

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

SECTION 1. DO NOT CODIFY. Title. This act shall be known and may be cited as the "Arkansas Support of Mental Health Wellness Examinations Act".

SECTION 2. Arkansas Code Title 23, Chapter 79, is amended to add an additional subchapter to read as follows:

Subchapter 29 – Coverage for Mental Health Wellness Examinations

23-79-2901. Purpose.

The purpose of this subchapter is to require coverage under a health benefit plan for mental health wellness examinations in an effort to promote greater utilization of mental health wellness examinations and strengthen the mental health of Arkansans.



23-79-2902. Definitions.

As used in this subchapter:

(1)(A) "Health benefit plan" means:

(i) An individual, blanket, or group plan or a policy or contract for healthcare services offered, issued, renewed, delivered, or extended in this state by a healthcare insurer; and

(ii) A health benefit program receiving state or federal appropriations from the State of Arkansas, including the Arkansas Medicaid Program and the Arkansas Health and Opportunity for Me Program established by the Arkansas Health and Opportunity for Me Act of 2021, § 23-61-1001 et seq., or any successor program.

(B) "Health benefit plan" includes:

(i) Indemnity and managed care plans; and

(ii) Nonfederal governmental plans as defined in 29 U.S.C. § 1002(32), as it existed on January 1, 2025.

(C) "Health benefit plan" does not include:

(i) A plan that provides only dental benefits or eye and vision care benefits;

(ii) A disability income plan;

(iii) A credit insurance plan;

(iv) Insurance coverage issued as a supplement to liability insurance;

(v) A medical payment under an automobile or homeowners insurance plan;

(vi) A health benefit plan provided under Arkansas Constitution, Article 5, § 32, the Workers' Compensation Law, § 11-9-101 et seq., or the Public Employee Workers' Compensation Act, § 21-5-601 et seq.;

(vii) A plan that provides only indemnity for hospital confinement;

(viii) An accident-only plan;

(ix) A specified disease plan; or

(x) A long-term-care-only plan;

(2)(A) "Healthcare insurer" means an entity subject to the insurance laws of this state or the jurisdiction of the Insurance Commissioner that contracts or offers to contract to provide health insurance coverage, including without limitation an insurance company, a hospital and

medical service corporation, a health maintenance organization, a self-insured governmental or church plan in this state, or the Arkansas Medicaid Program.

(B) "Healthcare insurer" does not include an entity that provides only dental benefits or eye and vision care benefits;

(3) "Mental health professional" means an individual licensed by the state to provide mental health services, limited to the following:

(A) A physician or psychiatrist;

(B) A medical officer of the United States Government;

(C) A psychologist or clinical psychologist;

(D) A nurse practitioner or clinical nurse specialist with a psychiatric, primary care, or mental health population focus licensed to engage in advanced practice nursing;

(E) A licensed clinical social worker;

(F) A licensed marriage and family therapist;

(G) A licensed professional counselor; and

(H) A physician assistant; and

(4) "Mental health wellness examination" means an examination that includes without limitation:

(A) A behavioral health screening;

(B) Education and consultation on health, wellness, and behavioral changes;

(C) Referrals to ongoing treatment, mental health services, and other supports as clinically appropriate;

(D) Age-appropriate screenings or observations to understand an individual's mental health history, personal history, and mental cognitive state; and

(E) If appropriate, relevant adult input through screenings, interviews, and questions.

23-79-2903. Coverage for mental health wellness examinations.

(a) On and after January 1, 2026, a health benefit plan that is offered, issued, renewed, delivered, or extended in this state shall provide coverage for an annual standalone mental health wellness examination that is performed by a licensed mental health professional to the extent permitted by federal law.

(b) The coverage for mental health wellness examinations under subsection (a) of this section shall:

(1) Be no less extensive than the coverage provided for preventive services or primary care benefits under a health benefit plan;

(2) Comply with the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008, Pub. L. No. 110-343; and

(3)(A) Except as provided in subdivisions (b)(3)(B) and (C) of this section, not be subject to an annual deductible, copayment, coinsurance limit, or any other cost-sharing requirements.

(B) Cost-sharing may be required if the applicable health benefit plan is governed by the federal Internal Revenue Code and the health benefit plan would lose its tax-exempt status as a result of the prohibition on cost-sharing requirements for a mental health wellness examination.

(C) Cost-sharing is required for a health benefit plan issued by a healthcare insurer to a state entity under § 21-5-401 et seq.

23-79-2904. Rules.

(a) The Insurance Commissioner shall promulgate rules to implement this subchapter.

(b) The Secretary of the Department of Human Services shall promulgate rules necessary to implement this subchapter that may apply to the Arkansas Medicaid Program or the Arkansas Health and Opportunity for Me Program, § 23-61-1001 et seq.

(c) The State Board of Finance shall promulgate rules necessary to implement this subchapter that may apply to the State and Public School Life and Health Insurance Program.

SECTION 3. EFFECTIVE DATE. This act is effective on and after January 1, 2026.

/s/L. Johnson