

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011

A Bill

HOUSE BILL 1425

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By: Representatives Hickerson, D. Altes, Barnett, Benedict, Biviano, J. Burris, Carnine, Cheatham,
Collins-Smith, Dale, Eubanks, Garner, Gaskill, Jean, Mauch, Nickels, Powers, Ratliff, Rice, J. Roebuck,
Summers, T. Thompson, Walker, Wardlaw, Williams, Wren

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For An Act To Be Entitled

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AN ACT TO REMOVE INSURANCE RESTRICTIONS ON NONCOVERED
11 DENTAL SERVICES; TO DECLARE AN EMERGENCY; AND FOR
12 OTHER PURPOSES.

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Subtitle

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TO REMOVE INSURANCE RESTRICTIONS ON
17 NONCOVERED DENTAL SERVICES AND TO DECLARE
18 AN EMERGENCY.

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

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

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23-63-115. Agreement between insurers and dentists establishing fees
26 for noncovered service prohibited -- Definitions.

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(a) As used in this section:

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(1) "Dental plan" means a contract, plan, or policy of insurance
29 issued by an insurer that provides for a dental benefit;

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(2) "Insurer" means an insurance company, a health maintenance
31 organization, a hospital and medical service corporation, or a self-insured
32 health plan for employees of a governmental entity; and

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(3)(A) "Noncovered services" means a service that is not
34 reimbursable under a dental plan.

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(B) "Noncovered services" does not include a service that
36 is reimbursable subject to a deductible, waiting period, frequency



1 limitation, annual or lifetime maximum, or other contractual limitation.

2 (b) An agreement between an insurer and a dentist establishing the fee
3 a dentist may charge for a noncovered service is unenforceable.

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5 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
6 General Assembly of the State of Arkansas that insurers are placing
7 limitations on fees for noncovered services when patients have dental
8 coverage; that by removing limitations on the fees charged for noncovered
9 services, dentists will have additional treatment options for patients; and
10 that this act is immediately necessary because it expands treatment options
11 for patients who need immediate dental services. Therefore, an emergency is
12 declared to exist and this act being immediately necessary for the
13 preservation of the public peace, health, and safety shall become effective
14 on:

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

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

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

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