



ADVOCACY: **ON CALL**



ARKANSAS MEDICAL SOCIETY

2023 LEGISLATIVE REVIEW

H. SCOTT SMITH, JD

THE NUMBERS

- **1439 Bills**
- **889 Acts**
- **AMS tracked 248 bills throughout this session.**

PARTY DOMINANCE

HOUSE

2023: **82 R** / **18 D**

2021: **78 R** / **22 D**

2009: **72 D** / **28 R**

SENATE

2023: **29 R** / **6 D**

2021: **27 R** / **7 D** / **1 I**

2009: **27 D** / **8 R**

PRIOR AUTHORIZATION GOLD CARD

Act 575 / HB 1271 by Representative Lee Johnson, MD and Senator Missy Irvin

- **Top-priority (39 co-sponsors)...pathway for prior authorization exemptions.**
- **Procedure specific...so physician may qualify for one service exemption but not another.**
- **No PA for value-based reimbursement arrangement.**

PRIOR AUTHORIZATION GOLD CARD

Act 575 / HB 1271 by Representative Lee Johnson, MD and Senator Missy Irvin

By January 1, 2024...

- **Nine-month exemption for procedures/services approved at least 90% of time during “baseline” period of January 1 to June 30, 2022.**
- **Exemption for specific services may be revoked if utilization during first 6 months of 2024 increases by 25% or more over baseline period (1/1 to 6/30 of 2022).**

PRIOR AUTHORIZATION GOLD CARD

Act 575 / HB 1271 by Representative Lee Johnson, MD and Senator Missy Irvin

By October 1, 2024...

- **Insurers must notify whether specific exemptions will remain in place, based upon retrospective review of claims submitted during the initial six-month exemption period of January 1 through June 30, 2024.**
- **Going forward...exemptions valid for 12-month periods.**

PRIOR AUTHORIZATION GOLD CARD

Act 575 / HB 1271 by Representative Lee Johnson, MD and Senator Missy Irvin

By January 1, 2025...

- **Federally subsidized plans, Medicaid Expansion Qualified Health Plans sold on Marketplace and PASSES must meet requirements unless alternatives to eliminate or reduce PAs have been developed and submitted for legislative approval.**
- **Exemptions for prescription drugs begin.**

PRIOR AUTHORIZATION GOLD CARD

Act 575 / HB 1271 by Representative Lee Johnson, MD and Senator Missy Irvin

- **Appeals process provided for those denied exemption.**
- **Not covered...State employee plan, ERISA, Medicare Advantage, municipal and county plans.**
- **Effective July 30, 2023.**

PATIENT RIGHT TO KNOW

Act 830 / HB 1734 by Representative Lee Johnson, MD and Senator Missy Irvin

- **Amends 2017 Act, which helps a patient follow their physician changing practice locations. Three changes...**
- **Clarifies how physician notifies former employer...by certified mail to chief executive or administrative officer.**

PATIENT RIGHT TO KNOW

Act 830 / HB 1734 by Representative Lee Johnson, MD and Senator Missy Irvin

- **Removes requirement that former employer post new practice location on website.**
- **Retroactive cap at \$500,000 for plaintiff physician and \$500,000 for plaintiff patient or group of patients.**
- **Effective July 30, 2023.**

PSYCHIATRIC COLLABORATIVE CARE

Act 615 / SB 178 by Senator Kim Hammer and Representative DeAnn Vaught

- **Requires insurers reimburse for “care manager” to coordinate through primary care physician offices with psychiatric consultants and other behavioral healthcare providers in “psychiatric collaborative care model.”**

PSYCHIATRIC COLLABORATIVE CARE

Act 615 / SB 178 by Senator Kim Hammer and Representative DeAnn Vaught

- **Will facilitate increased access, more efficient and effective behavioral healthcare treatment.**
- **Increased access to behavioral health services and increased efficiency will provide cost savings (AR BCBS has already shown it to significantly reduce ER visits).**

PSYCHIATRIC COLLABORATIVE CARE

Act 615 / SB 178 by Senator Kim Hammer and Representative DeAnn Vaught

- **Medicaid may apply for grants to help facilitate model in the program and report quarterly to Senate and House Insurance and Commerce committees on progress and activities regarding this model.**
- **Effective October 1, 2023.**

MEDICAID SUPPLEMENTAL REIMBURSEMENT FOR CHILD PREVENTATIVE SERVICES

Act 513 / HB 1574 by Representative DeAnn Vaught and Senator Kim Hammer

- **Creates new framework for PCMHs serving children to support families with infants and toddlers.**
- **Outlines structure and timeline to implement supplemental reimbursement rate for primary care clinics using evidence-based models of team-based pediatric primary care.**

MEDICAID SUPPLEMENTAL REIMBURSEMENT FOR CHILD PREVENTATIVE SERVICES

Act 513 / HB 1574 by Representative DeAnn Vaught and Senator Kim Hammer

- **HealthySteps...currently operational in seven primary care clinics already showing 163% ROI to Medicaid within one year...saving \$2.63 for every \$1 invested.**
- **Effective July 30, 2023.**

PHYSICIAN ASSISTANT BILLING

Act 303 / SB 112 Senator Justin Boyd and Representative Aaron Pilkington

- **Initially opposed.**
- **Would have required insurers to recognize PAs as treating provider and allowed PAs to “bill for and receive direct payment” for services regardless of supervising physician wishes.**

PHYSICIAN ASSISTANT BILLING

Act 303 / SB 112 Senator Justin Boyd and Representative Aaron Pilkington

- **PAs are “dependent” providers.**
- **So...services provided generally billed under supervising physician’s name. Allowable charge for most insurers would be reduced by 15-20% if billed under a physician assistant’s name.**
- **Opposition removed after agreeing to amendment.**

PHYSICIAN ASSISTANT BILLING

Act 303 / SB 112 Senator Justin Boyd and Representative Aaron Pilkington

- **Now as amended ONLY “if authorized by the supervising physician,” PA shall be listed as treating provider for billing and claim processes and may file claims as billing provider.**
- **Also, now no provision for receiving direct payment.**

PHYSICIAN ASSISTANT BILLING

Act 303 / SB 112 Senator Justin Boyd and Representative Aaron Pilkington

- **And insurers and Medicaid prohibited from requiring physical presence of supervising physician (as in PA practice act).**
- **Effective July 30, 2023.**

INSURANCE

- **Act 66 / HB 1042 - Authorizes Insurance Commissioner to adopt updated guidelines requiring coverage for more than one prostate cancer screening per year, if new recommendations published by National Comprehensive Cancer Network.**
- **Act 87 / SB 141 - “Healthcare insurer” clarified to include entity having ANY subscribers in state, so Prior Authorization Transparency Act would apply.**

INSURANCE

- **Act 136 / SB 192 - Insurer, benefit plan, or utilization review organization may require patient to try biosimilar medical product unless step therapy exemption applies.**
- **Act 429 / HB 1121 - Health benefit plan biomarker testing coverage for diagnosis, treatment, management, or ongoing monitoring of subscriber's condition when supported by medical and scientific evidence.***
- ***Does not include Medicaid and/or ArHome**

INSURANCE

- **Act 451 / HB 1558 - Medication-assisted treatment exemption to PA for alcohol addiction.**
- **Act 500 / HB 1273 - “Healthcare sharing ministry” ID cards, defines “short-term limited duration insurance.”**
- **Act 501 / HB 1274 - Self-insured TPA a “utilization review entity” if performing PAs; now under Prior Authorization Transparency Act.**

INSURANCE

- **Act 576 / HB 1272 - Prohibits insurer from leasing, renting or selling healthcare contract or provider network to another insurer or third-party administrator...unfair trade practice. Exceptions apply.**
- **Act 577 / HB 1276 - Exempts antipsychotic prescription drugs from step therapy protocols.**

INSURANCE

- **Act 626 / SB 324 - Exempts Farm Bureau from Insurance Code and law concerning hospital and medical service corporations (AWP).**
- **Act 876 / SB 181 - Health benefit plan required coverage for IV immunoglobulin to treat PANS/PANDAS if primary care physician, in consultation with pediatric psychiatrist and either pediatric neurologist, rheumatologist or infectious disease physician agree with necessity. Effective 4/13.**

MEDICAID

- **Act 494 / HB 1129 - Behavioral health condition screenings and services covered by Medicaid and insurers in hospital outpatient clinics and physician clinics.**
- **Act 581 / HB 1385 - Reimbursement for providing postpartum long-acting reversible contraception.**
- **Act 865 / SB 53 - DHS Appropriation - Division of Medical Services for 2023-2024 operations (ARHome).**

SCOPE OF PRACTICE

- **Act 670 / SB 86 - Department of Health to conduct study regarding naturopathic physicians and the practice of naturopathic medicine by June 30, 2024.**
- **Act 872 / SB 79 - Clinical nurse specialist added as category who Full Independent Practice Credentialing Committee can grant independent practice authority.**

PUBLIC HEALTH

- **Act 199 / HB 1458 - Fitness instructor certification for addressing health emergencies occurring during training. Effective 3/6.**
- **Act 490 / HB 1102 - “Universal Newborn Screening Act” for core conditions listed by U.S. Secretary of Health and Human Services and insurance coverage.**

PUBLIC HEALTH

- **Act 586 / HB 1562 - Expands list (individual “employed or contracted by a public or private organization”...so, almost everybody) to whom healthcare provider can prescribe, dispense and supply an opioid antagonist. Effective 4/11.**
- **Act 629 / SB 358 - Tobacco Control permit for selling hemp-derived product, adds tetrahydrocannabinol to Schedule VI for converting hemp into delta-8, 9 or 10. Effective 4/11.**

PUBLIC HEALTH

- **Act 737 / HB 1643 - AED placement at 7-12 grade sporting events and on higher education campuses.**
- **Act 811 / HB 1514 - Division of Elementary and Secondary Education collaboration with DOH ensuring public high schools/state-supported higher education institutions have overdose rescue kit on each campus.**

OTHER

- **Act 79 / SB 57 - Allows Medical Board to reduce fees, if in best interest of state, through administrative rules and approval of Governor and either Legislative Council or Joint Budget Committee.**
- **Act 233 / SB 265 - Board of Pharmacy allow hospitals to sell medications to ER patients or discharged patients for off-premises use in outpatient setting, with limitations.**

OTHER

- **Act 274 / SB 199 - Liability for gender transition procedure on minor if injured; civil action brought within 15 years after minor turning 18. “Safe Harbor” provisions - 2 years prior observance with documentation; second opinion for mental health concerns; verbal and written notice.**

OTHER

- **Act 502 / HB 1275 - Healthcare provider can grant electronic access of their medical records system to healthcare payor or healthcare payor's designee. If granted, no other submission can be required by the payor. Effective 1/1/24.**
- **Act 633 / SB 520 and 844 / HB 1778 - Graduate Medical Education Residency Expansion Board appointment authority to Governor and legislature.**

OTHER

- **Act 765 / SB 359 - Access to medical records for legal proceedings AND adjustment of insurance claim, processing and underwriting life insurance policy application. Charge increase (\$15 to \$25 labor; \$2 certification or notarization; \$75 electronic records plus postage). Patient safety language reinserted.**
- **Act 848 / HB 1786 - Abortion to save life in emergency only allowed in hospital or ER.**

DID NOT PASS

- **HB 1130 - Covenant-not-to-compete unenforceable for licensed medical professionals.**
- **HB 1174 - All provisions of Criminal Code apply to prosecution for death of unborn child would apply to prosecution for death of any other person; amends definitions related to unborn child. IVF implications.**

DID NOT PASS

- **HB 1418 - Phantom Damages...recovery of damages for necessary medical care includes only costs actually paid by or on behalf of plaintiff or that remain unpaid and for which plaintiff or any third party is legally responsible.**
- **HB 1422 - \$1,000 and \$6,000 nonrefundable income tax credits to faculty preceptors.**

DID NOT PASS

- **HB 1545 - Removes Rural Medical Practice Student Loan and Scholarship requirement that community be smaller than 20,000 and 20 miles from town larger than 20,000.**
- **HB 1785 - Informed consent before surgical mesh use.**

NEXT UP...SPECIAL SESSION FOR MEDICAID AND BALLOT REFERRAL

- **HJR 1006 - Proposes Constitutional amendment to expand uses of lottery proceeds to include scholarships and grants to public or private vocational-technical school or public or private technical institute.**

THANK YOU

- **Senator Jonathan Dismang**
- **Representative Deborah Ferguson, DDS**
- **Representative Denise Garner**
- **Senator Missy Irvin**
- **Representative Lee Johnson, MD**
- **Representative Steve Magie, MD**

DOCTORS OF THE DAY

Les Anderson, MD, Lonoke
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Richard E. Brown Jr., MD, Little Rock
G. Edward Bryant Jr., MD, West Memphis
Lyle Burdine, MD, Little Rock
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