

1 State of Arkansas
2 95th General Assembly
3 Regular Session, 2025
4

As Engrossed: H2/10/25

A Bill

HOUSE BILL 1426

5 By: Representative L. Johnson
6 By: Senator Irvin
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE HEALTHCARE CONTRACTING
10 SIMPLIFICATION ACT; TO MODIFY THE DEFINITION OF
11 "HEALTHCARE INSURER" UNDER THE HEALTHCARE CONTRACTING
12 SIMPLIFICATION ACT; TO CLARIFY THE PROHIBITION ON
13 LEASING A HEALTHCARE CONTRACT OR PROVIDER NETWORK;
14 AND FOR OTHER PURPOSES.

Subtitle

18 TO AMEND THE HEALTHCARE CONTRACTING
19 SIMPLIFICATION ACT.
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
22

23 SECTION 1. Arkansas Code § 23-99-1202(7), concerning the definition of
24 "health insurer" under the Healthcare Contracting Simplification Act, is
25 amended to read as follows:

26 (7)(A) "Healthcare insurer" means an entity that is subject to
27 state insurance regulation and provides or administers health insurance in
28 this state.

29 (B) "Healthcare insurer" includes:

- 30 (i) An insurance company;
- 31 (ii) A health maintenance organization;
- 32 (iii) A hospital and medical service corporation;
- 33 (iv) A risk-based provider organization;
- 34 (v) A sponsor of a nonfederal self-funded
35 governmental plan; ~~and~~
- 36 (vi) A dental-only plan; and



1 (vii) A third-party administrator or other entity
2 acting on behalf of a self-insured health benefit plan;

3
4 SECTION 2. Arkansas Code § 23-99-1203(a), concerning the prohibited
5 activities under the Healthcare Contracting Simplification Act, is amended to
6 read as follows:

7 (a) Except as provided in subsections (b) and (d) of this section, a
8 contracting entity shall not:

9 (1) Offer to a healthcare provider a healthcare contract that
10 includes an all-products clause;

11 (2) Enter into a healthcare contract with a healthcare provider
12 that includes an all-products clause; ~~or~~

13 (3) Amend or renew an existing healthcare contract previously
14 entered into with a healthcare provider so that the healthcare contract as
15 amended or renewed adds or continues to include an all-products clause; or

16 (4) Require a healthcare provider to accept multiple health
17 benefit plans that differ in reimbursement rates or other financial terms for
18 the healthcare provider.

19
20 SECTION 3. Arkansas Code § 23-99-1210 is amended to read as follows:

21 23-99-1210. Healthcare contract or provider network – Prohibition.

22 (a) A ~~healthcare insurer~~ contracting entity shall not:

23 (1) Lease, rent, or sell a healthcare contract or provider
24 network of a health benefit plan to another contracting entity, healthcare
25 insurer, or third-party administrator; or

26 (2) In any manner allow the use of a healthcare contract or
27 provider network of a health benefit plan by another contracting entity,
28 healthcare insurer, or third-party administrator.

29 (b)(1) A violation of this section is:

30 (A) An unfair trade practice under § 23-66-206; and

31 (B) Subject to the Trade Practices Act, § 23-66-201 et
32 seq.

33 (2) If a healthcare contract contains a provision that violates
34 this section, then the provision under the healthcare contract is void.

35 (c) This section does not apply if a ~~healthcare insurer~~ contracting
36 entity:

1 (1) ~~Grants~~ Is a dental-only health benefit plan and grants
 2 access to the ~~healthcare insurer's~~ contracting entity's provider network
 3 contract to another contracting entity, healthcare insurer, or ~~entity~~ third-
 4 party administrator that is:

5 (A) An affiliate of the ~~healthcare insurer~~ contracting
 6 entity; or

7 (B) Operating according to the same brand licensee program
 8 as the ~~healthcare insurer~~ contracting entity; ~~or~~

9 (2) Provides notice of the intent to lease, rent, or sell a
 10 healthcare contract or provider network of a health benefit plan to another
 11 contracting entity, healthcare insurer, or third-party administrator;

12 (3) Allows a healthcare provider that is a party to the
 13 healthcare contract or provider network of a health benefit plan the
 14 opportunity to opt out of participating in the:

15 (A) Proposed lease, rental, or sale of a healthcare
 16 contract or provider network of a health benefit plan entirely upon the
 17 execution or renewal of the healthcare contract; and

18 (B) Lease, rental, or sale of a healthcare contract with
 19 respect to an individual contracting entity, healthcare insurer, or third-
 20 party administrator upon notice that the individual contracting entity,
 21 healthcare insurer, or third-party administrator has violated the terms of
 22 the healthcare contract; ~~and~~ or

23 (4) Provides contact information for the contracting entity,
 24 healthcare insurer, or third-party administrator using the healthcare
 25 contract or provider network of a health benefit plan, including without
 26 limitation:

27 (A) Contact name;

28 (B) Mailing address;

29 (C) Direct telephone number for customer service matters;

30 and

31 (D) Direct email address for customer service matters.

32
 33 SECTION 4. Arkansas Code Title 23, Chapter 99, Subchapter 12, is
 34 amended to add an additional section to read as follows:

35 23-99-1211. Waiver prohibited.

36 (a) This subchapter shall not be waived by contract.

