

Hall of the House of Representatives
95th General Assembly - Regular Session, 2025
Amendment Form

Subtitle of House Bill 1405

TO AMEND THE STATUTES CONCERNING PROCURERS; AND TO ADD ADDITIONAL
REGULATIONS REGARDING THE USE OF A PROCURER BY A LICENSED
CHIROPRACTIC PHYSICIAN.

Amendment No. 2 to House Bill 1405

Amend House Bill 1405 as engrossed H2/11/25 (version: 2/11/25 09:25:59 AM):

Page 1, delete line 24, and substitute the following:

"SECTION 1. Arkansas Code § 17-81-107(a), concerning the definitions related to the use of a procurer by a chiropractic physician, is amended to add an additional subdivision to read as follows:

(3) "Solicit" means the initiation of in-person communication, telemarketing communication, telephonic communication, text message communication, internet direct message communication, or any other electronic direct message communication, or any combination of communications, by a chiropractic physician, including by his or her employee, agent, independent contractor, or procurer.

SECTION 2. Arkansas Code § 17-81-107(b), concerning the use of a "

AND

Page 2, delete line 17, and substitute the following:

SECTION 3. Arkansas Code § 17-81-107(c), concerning violations for the improper use of a procurer, is amended to read as follows:

(c) A violation of this section shall result in the following:

(1)(A) Any payments paid by, or on behalf of, an individual named in a motor vehicle accident report for medical services provided by the



chiropractic physician to the individual named in a motor vehicle accident report shall be returned to the individual, insurance company, or other payor.

(B) The chiropractic physician shall pay reasonable attorney's fees incurred by a person collecting the payments described in subdivision (c)(1)(A) of this section; and

(2) The prohibition of a chiropractic physician from attempting to collect fees for medical services from an individual named in a motor vehicle accident report;

(3) A fine in the amount of the five hundred dollars (\$500) from the board; and

(4)(A) A private civil action in any competent jurisdiction if the person suffered a pecuniary loss because of the chiropractic physician's violation of this section.

(B) A person who suffers pecuniary loss because of a chiropractic physician and brings an action under subdivision (c)(4)(A) of this section shall recover:

(i) The pecuniary loss caused by the violation;

(ii) Court costs;

(iii) Reasonable attorney's fee; and

(iv) The greater of:

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

(b) Twice the amount of the pecuniary loss.

SECTION 4. Arkansas Code § 17-81-107(d)(3)(B), concerning the"

AND

Page 3, line 2, delete "SECTION 3." and substitute "SECTION 5."

AND

Page 3, delete lines 5 through 9, and substitute the following:

"(i) A chiropractic physician, including his or her employee, agent, independent contractor, or procurer, shall not solicit an individual who has been 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 chiropractic physician has a family or prior professional relationship with the individual; or

(2) The chiropractic physician solicits the individual more than fourteen (14) days after the date of the motor vehicle accident."

AND

Page 3, delete line 10, and substitute the following:

"(j) A chiropractic physician shall have solicited services if the chiropractic physician"

AND

Page 3, line 13, delete "chiropractor" and substitute "chiropractic physician"

AND

Page 3, line 14, delete "chiropractor" and substitute "chiropractic physician"

AND

Page 3, line 16, delete "chiropractor" and substitute "chiropractic physician"

AND

Page 3, line 19, delete "chiropractor" and substitute "chiropractic physician"

AND

Page 3, line 20, delete "chiropractor" and substitute "chiropractic

physician"

AND

Page 3, line 23, delete "chiropractor" and substitute "chiropractic physician"

AND

Page 3, line 26, delete "chiropractor" and substitute "chiropractic physician"

AND

Page 3, line 32, delete "he or she is a licensed insurance agent" and substitute "he or she is an authorized representative of an insurance company"

AND

Page 4, delete lines 13 and 14, and substitute the following:

"(n) This section does not prohibit:

(1) Solicitation by targeted direct-mail advertising or other forms of written, radio, or television advertising, if the advertising does not involve coercion, duress, or harassment and is not false, deceptive, or misleading; or

(2) Advertisement of a chiropractic physician's services by website or any social media account if the chiropractic physician does not use the website or social media account to solicit an individual in violation of subdivision (i) of this section."

The Amendment was read _____

By: Representative J. Richardson

