

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005

A Bill

HOUSE BILL 2015

4
5 By: Representatives Key, Kenney, Bradford
6 By: Senators Faris, Womack

For An Act To Be Entitled

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10 AN ACT TO AMEND THE PRIVATE ENFORCEMENT
11 PROVISIONS OF THE PATIENT PROTECTION ACT OF 1995
12 AND THE PATIENT PROTECTION ACT OF 2005; AND FOR
13 OTHER PURPOSES.

Subtitle

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16 AN ACT TO AMEND THE PRIVATE ENFORCEMENT
17 PROVISIONS OF THE PATIENT PROTECTION ACT
18 OF 1995 AND THE PATIENT PROTECTION ACT
19 OF 2005.

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

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24 SECTION 1. Arkansas Code § 23-99-207 is amended to read as follows:
25 23-99-207. Civil penalties.

26 Any To the extent permitted by ERISA, the federal Employee Retirement
27 Income Security Act of 1974, as amended, 29 U.S.C. § 1001 et seq., person any
28 provider adversely affected by a violation of this subchapter may sue in a
29 circuit court ~~of competent jurisdiction only~~ for injunctive relief against
30 the health care insurer ~~and, upon prevailing, shall, in addition to such~~
31 ~~relief, recover damages of not less than one thousand dollars (\$1,000),~~
32 ~~attorney's fees, and costs but not damages.~~ The prevailing party shall be
33 allowed a reasonable attorney's fee and costs.

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35 SECTION 2. Section 1 of an Act to Provide for Enforcement of the
36 Patient Protection Act of 2005 is amended to read as follows:



SECTION 1. Civil penalties.

To the extent permitted by ERISA, the federal Employee Retirement
Income Security Act of 1974, as amended, 29 U.S.C. § 1001 et seq., any ~~person~~
~~provider~~ adversely affected by a violation of the Patient Protection Act of
2005 may sue in a circuit court ~~of competent jurisdiction only~~ for injunctive
relief against the health care insurer and, ~~upon prevailing, shall, in~~
~~addition to injunctive relief, recover damages of not less than one thousand~~
~~dollars (\$1,000), attorney's fees, and costs but not damages.~~ The prevailing
party shall be allowed a reasonable attorney's fee and costs.

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