

Stricken language would be deleted from and underlined language would be added to present law.

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

As Engrossed: H2/6/25

A Bill

HOUSE BILL 1290

5 By: Representative L. Johnson
6
7

For An Act To Be Entitled

9 AN ACT TO MANDATE COVERAGE FOR MENTAL HEALTH WELLNESS
10 EXAMINATIONS; TO ESTABLISH THE ARKANSAS SUPPORT OF
11 MENTAL HEALTH WELLNESS EXAMINATIONS ACT; AND FOR
12 OTHER PURPOSES.
13
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Subtitle

16 TO MANDATE COVERAGE FOR MENTAL HEALTH
17 WELLNESS EXAMINATIONS; AND TO ESTABLISH
18 THE ARKANSAS SUPPORT OF MENTAL HEALTH
19 WELLNESS EXAMINATIONS ACT.
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. DO NOT CODIFY. Title. This act shall be known and may be
24 cited as the "Arkansas Support of Mental Health Wellness Examinations Act".
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26 SECTION 2. Arkansas Code Title 23, Chapter 79, is amended to add an
27 additional subchapter to read as follows:
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29 Subchapter 29 – Coverage for Mental Health Wellness Examinations
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31 23-79-2901. Purpose.

32 The purpose of this subchapter is to require coverage under a health
33 benefit plan for mental health wellness examinations in an effort to promote
34 greater utilization of mental health wellness examinations and strengthen the
35 mental health of Arkansans.
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1 23-79-2902. Definitions.

2 As used in this subchapter:

3 (1)(A) "Health benefit plan" means:

4 (i) An individual, blanket, or group plan or a
5 policy or contract for healthcare services offered, issued, renewed,
6 delivered, or extended in this state by a healthcare insurer; and

7 (ii) A health benefit program receiving state or
8 federal appropriations from the State of Arkansas, including the Arkansas
9 Medicaid Program and the Arkansas Health and Opportunity for Me Program
10 established by the Arkansas Health and Opportunity for Me Act of 2021, § 23-
11 61-1001 et seq., or any successor program.

12 (B) "Health benefit plan" includes:

13 (i) Indemnity and managed care plans; and
14 (ii) Nonfederal governmental plans as defined in 29
15 U.S.C. § 1002(32), as it existed on January 1, 2025.

16 (C) "Health benefit plan" does not include:

17 (i) A plan that provides only dental benefits or eye
18 and vision care benefits;

19 (ii) A disability income plan;

20 (iii) A credit insurance plan;

21 (iv) Insurance coverage issued as a supplement to
22 liability insurance;

23 (v) A medical payment under an automobile or
24 homeowners insurance plan;

25 (vi) A health benefit plan provided under Arkansas
26 Constitution, Article 5, § 32, the Workers' Compensation Law, § 11-9-101 et
27 seq., or the Public Employee Workers' Compensation Act, § 21-5-601 et seq.;

28 (vii) A plan that provides only indemnity for
29 hospital confinement;

30 (viii) An accident-only plan;

31 (ix) A specified disease plan; or

32 (x) A long-term-care-only plan;

33 (2)(A) "Healthcare insurer" means an entity subject to the
34 insurance laws of this state or the jurisdiction of the Insurance
35 Commissioner that contracts or offers to contract to provide health insurance
36 coverage, including without limitation an insurance company, a hospital and

1 medical service corporation, a health maintenance organization, a self-
2 insured governmental or church plan in this state, or the Arkansas Medicaid
3 Program.

4 (B) "Healthcare insurer" does not include an entity that
5 provides only dental benefits or eye and vision care benefits;

6 (3) "Mental health professional" means an individual licensed or
7 certified by the state to provide mental health services, limited to the
8 following:

9 (A) A physician or psychiatrist;

10 (B) A medical officer of the United States Government;

11 (C) A psychologist or clinical psychologist;

12 (D) A nurse practitioner or clinical nurse specialist with
13 a psychiatric, primary care, or mental health population focus licensed to
14 engage in advanced practice nursing;

15 (E) A social worker or a clinical social worker;

16 (F) A marriage and family therapist or an associate
17 marriage and family therapist;

18 (G) A professional counselor or an associate counselor;

19 (H) A pastoral counselor;

20 (I) An alcohol and drug counselor; and

21 (J) A physician assistant; and

22 (4) "Mental health wellness examination" means:

23 (A) A behavioral health screening;

24 (B) Education and consultation on healthy lifestyle
25 changes;

26 (C) Referrals to ongoing treatment, mental health
27 services, and other supports;

28 (D) Age-appropriate screenings or observations to
29 understand an individual's mental health history, personal history, and
30 mental cognitive state; and

31 (E) If appropriate, relevant adult input through
32 screenings, interviews, and questions.

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34 23-79-2903. Coverage for mental health wellness examinations.

35 (a) On and after January 1, 2026, a health benefit plan that is
36 offered, issued, renewed, delivered, or extended in this state shall provide

1 coverage for an annual standalone mental health wellness examination that is
2 performed by a mental health professional to the extent permitted by federal
3 law.

4 (b) The coverage for mental health wellness examinations under
5 subsection (a) of this section shall:

6 (1) Be no less extensive than the coverage provided for
7 preventive services or primary care benefits under a health benefit plan;

8 (2) Comply with the Paul Wellstone and Pete Domenici Mental Health
9 Parity and Addiction Equity Act of 2008, Pub. L. No. 110-343; and

10 (3)(A) Except as provided in subdivision (b)(3)(B) of this
11 section, not be subject to an annual deductible, copayment, coinsurance
12 limit, or any other cost-sharing requirements.

13 (B) Cost-sharing may be required if the applicable health
14 benefit plan is governed by the federal Internal Revenue Code and the health
15 benefit plan would lose its tax-exempt status as a result of the prohibition
16 on cost-sharing requirements for a mental health wellness examination.

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18 23-79-2904. Rules.

19 (a) The Insurance Commissioner shall promulgate rules to implement
20 this subchapter.

21 (b) The Secretary of the Department of Human Services shall promulgate
22 rules necessary to implement this subchapter that may apply to the Arkansas
23 Medicaid Program or the Arkansas Health and Opportunity for Me Program, § 23-
24 61-1001 et seq.

25 (c) The State Board of Finance shall promulgate rules necessary to
26 implement this subchapter that may apply to the State and Public School Life
27 and Health Insurance Program.

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29 SECTION 3. EFFECTIVE DATE. This act is effective on and after January
30 1, 2026.

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32 /s/L. Johnson