

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

1 State of Arkansas As Engrossed: H2/6/25 H2/11/25 H2/20/25

2 95th General Assembly

A Bill

3 Regular Session, 2025

HOUSE BILL 1290

4

5 By: Representatives L. Johnson, *Vaught*

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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.

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Subtitle

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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.

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



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
7 by the state to provide mental health services, limited to the following:

8 (A) A physician or psychiatrist;

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

10 (C) A psychologist or clinical psychologist;

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

14 (E) A licensed clinical social worker;

15 (F) A licensed marriage and family therapist;

16 (G) A licensed professional counselor; and

17 (H) A physician assistant; and

18 (4) "Mental health wellness examination" means an examination
19 that includes without limitation:

20 (A) A behavioral health screening;

21 (B) Education and consultation on health, wellness, and
22 behavioral changes;

23 (C) Referrals to ongoing treatment, mental health
24 services, and other supports as clinically appropriate;

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

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

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33 23-79-2903. Coverage for mental health wellness examinations.

34 (a) On and after January 1, 2026, a health benefit plan that is
35 offered, issued, renewed, delivered, or extended in this state shall provide
36 coverage for an annual standalone mental health wellness examination that is

1 performed by a licensed mental health professional to the extent permitted by
2 federal law.

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

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

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

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

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

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17 23-79-2904. Rules.

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

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

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

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

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31 /s/L. Johnson
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