

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

# A Bill

HOUSE BILL 1290

4  
5 By: Representative L. Johnson  
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## For An Act To Be Entitled

8  
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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16 TO MANDATE COVERAGE FOR MENTAL HEALTH  
17 WELLNESS EXAMINATIONS; AND TO ESTABLISH  
18 THE ARKANSAS SUPPORT OF MENTAL HEALTH  
19 WELLNESS EXAMINATIONS ACT.  
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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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### Subchapter 29 – Coverage for Mental Health Wellness Examinations

#### 23-79-2901. Purpose.

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31 The purpose of this subchapter is to require coverage under a health  
32 benefit plan for mental health wellness examinations in an effort to promote  
33 greater utilization of mental health wellness examinations and strengthen the  
34 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 medical  
7 and surgical benefits under a health benefit plan;

8 (2) Comply with the Paul Wellstone and Pete Domenici Mental  
9 Health 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.