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95th General Assembly

A Bill

Regular Session, 2025

HOUSE BILL 1405

By: Representatives J. Richardson, Gramlich, L. Johnson

By: Senator J. Boyd

For An Act To Be Entitled

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

Subtitle

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

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

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 procurer by a chiropractic physician, is amended to read as follows:

(b)(1) A chiropractic physician who uses a procurer is required to:



1 (A) Have a written contract with the procurer or
2 procurement company with whom the chiropractic physician engages; and

3 (B) Register the name of ~~any~~ each procurer with whom the
4 chiropractic physician contracts with the Arkansas State Board of
5 Chiropractic Examiners.

6 (2) A chiropractic physician shall register a procurer with the
7 board by filing the following information with the board on a form approved
8 by the board:

9 (A) The full legal name of the procurer with whom the
10 chiropractic physician has a current contract and engages;

11 (B) A valid state-issued photo identification or driver's
12 license, or both, of the procurer;

13 (C) The procurer's permanent home address;

14 (D) The procurer's ~~business~~ telephone number ~~solely~~ used
15 for client communication purposes or to make calls and send electronic text
16 messages to potential clients; and

17 (E) The name, telephone number, and address of the
18 chiropractic physician engaging or employing the procurer.

19 (3) The chiropractic physician shall provide the board with
20 updated procurer registration information, should any of the information
21 required under subdivision (b)(2) of this section change during the year.

22 (4)(A) The procurer registration expires on December 31 of each
23 year.

24 (B) If a chiropractic physician engages a procurer, the
25 chiropractic physician shall register the procurer annually.

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

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

30 (1)(A) Any payments paid by, or on behalf of, an individual
31 named in a motor vehicle accident report for medical services provided by the
32 chiropractic physician to the individual named in a motor vehicle accident
33 report shall be returned to the individual, insurance company, or other
34 payor.

35 (B) The chiropractic physician shall pay reasonable
36 attorney's fees incurred by a person collecting the payments described in

1 subdivision (c)(1)(A) of this section; and

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

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

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

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

13 (i) The pecuniary loss caused by the violation;

14 (ii) Court costs;

15 (iii) Reasonable attorney's fee; and

16 (iv) The greater of:

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

18 (b) Twice the amount of the pecuniary loss.

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20 SECTION 4. Arkansas Code § 17-81-107(d)(3)(B), concerning the
21 requirements of a procurer operating in this state, is amended to read as
22 follows:

23 (B) The records described in subdivision (d)(3)(A) of this
24 section shall include:

25 (i) The names and telephone numbers of individuals
26 solicited;

27 (ii) The name of the chiropractic physician with
28 whom the procurer has contracted as required under subsection (b) of this
29 section;

30 (iii) If solicitation with an individual is
31 initiated due to a motor vehicle accident, then the date and time of the
32 motor vehicle accident;

33 (iv) The amount of compensation paid to a procurer
34 for the solicitation of each actual or potential patient, customer, or
35 client; ~~and~~

36 (v) The extent of any treatment or medical services

1 obtained by the individual; and

2 (vi) Any moneys shared by the procurer with other
3 persons for conducting work as a procurer;

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5 SECTION 5. Arkansas Code § 17-81-107, concerning the use of a procurer
6 by a chiropractic physician, is amended to add additional subsections to read
7 as follows:

8 (i) A chiropractic physician, including his or her employee, agent,
9 independent contractor, or procurer, shall not solicit an individual who has
10 been involved in an accident, disaster, or other event that causes injury for
11 the purpose of treating injuries that the individual sustained or may have
12 sustained in the accident, disaster, or other event unless:

13 (1) The chiropractic physician has a family or prior
14 professional relationship with the individual; or

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

17 (j) A chiropractic physician shall have solicited services if the
18 chiropractic physician performs services on an individual who is referred by:

19 (1) A procurer registered under this section of the chiropractic
20 physician; or

21 (2) Any person who receives compensation from the chiropractic
22 physician in consideration of referrals, regardless of the relationship
23 between the referring person and chiropractic physician.

24 (k) Direct solicitation of a person who is under eighteen (18) years
25 of age is prohibited.

26 (l) A chiropractic physician is liable for any representation made by
27 a procurer soliciting services on behalf of the chiropractic physician,
28 regardless of the existence of any written contract between the chiropractor
29 and a procurer, if:

30 (1) The chiropractic physician provides or has provided
31 compensation to the procurer for referrals; and

32 (2) A reasonable expectation exists that the procurer will be
33 compensated for referring individuals to the chiropractic physician.

34 (m) Solicitation conducted by a procurer shall not:

35 (1) Initiate from a telephone number other than the telephone
36 number registered with the board;

1 (2) Falsely state, imply, or otherwise communicate that:

2 (A) He or she has an affiliation with an insurance company
3 unless he or she is an authorized representative of an insurance company;

4 (B) Payment of an insurance claim or insurance coverage
5 will be available or otherwise affected by the individual's willingness to
6 see a specific chiropractic physician or healthcare provider;

7 (C) The Attorney General's Office, the board, or any other
8 regulatory or governmental agency has approved or is otherwise affiliated
9 with the procurer; or

10 (D) A specific medical facility is a preferred medical
11 clinic or in-network provider for any purpose;

12 (3) Offer or give anything of value or promise payment or gifts
13 of any kind in connection with a solicitation contact;

14 (4) Use a false name or identity during the solicitation;

15 (5) Provide or promise to provide a prescription or
16 nonprescription medication or medical supplies unless he or she is authorized
17 to prescribe and treat according to state law; or

18 (6) Make any other statement that is deceptive or misleading
19 within the context of a solicitation.

20 (n) This section does not prohibit:

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

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

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30 /s/J. Richardson
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