

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

# A Bill

HOUSE BILL 1405

5 By: Representative J. Richardson  
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## For An Act To Be Entitled

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

15 TO AMEND THE STATUTES CONCERNING  
16 PROCURERS; AND TO ADD ADDITIONAL  
17 REGULATIONS REGARDING THE USE OF A  
18 PROCURER BY A LICENSED CHIROPRACTIC  
19 PHYSICIAN.  
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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 § 17-81-107(b), concerning the use of a  
25 procurer by a chiropractic physician, is amended to read as follows:

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

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

29 (B) Register the name of ~~any~~ each procurer with whom the  
30 chiropractic physician contracts with the Arkansas State Board of  
31 Chiropractic Examiners.

32 (2) A chiropractic physician shall register a procurer with the  
33 board by filing the following information with the board on a form approved  
34 by the board:

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



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

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

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

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

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

12 (4)(A) The procurer registration expires on December 31 of each  
13 year.

14 (B) If a chiropractic physician engages a procurer, the  
15 chiropractic physician shall register the procurer annually.

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17 SECTION 2. Arkansas Code § 17-81-107(d)(3)(B), concerning the  
18 requirements of a procurer operating in this state, is amended to read as  
19 follows:

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

22 (i) The names and telephone numbers of individuals  
23 solicited;

24 (ii) The name of the chiropractic physician with  
25 whom the procurer has contracted as required under subsection (b) of this  
26 section;

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

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

33 (v) The extent of any treatment or medical services  
34 obtained by the individual; and

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

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2 SECTION 3. Arkansas Code § 17-81-107, concerning the use of a procurer  
3 by a chiropractic physician, is amended to add additional subsections to read  
4 as follows:

5 (i) A chiropractor or procurer who engages in any of the practices  
6 specified under this section shall not directly solicit services by  
7 telephone, in-person communication, or electronic text message to an  
8 individual involved in a motor vehicle accident within thirty (30) days of  
9 the automobile accident.

10 (j) A chiropractor shall have solicited services if the chiropractor  
11 performs services on an individual who is referred by:

12 (1) A procurer registered under this section of the  
13 chiropractor; or

14 (2) Any person who receives compensation from the chiropractor  
15 in consideration of referrals, regardless of the relationship between the  
16 referring person and chiropractor.

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

19 (l) A chiropractor is liable for any representation made by a procurer  
20 soliciting services on behalf of the chiropractor, regardless of the  
21 existence of any written contract between the chiropractor and a procurer,  
22 if:

23 (1) The chiropractor provides or has provided compensation to  
24 the procurer for referrals; and

25 (2) A reasonable expectation exists that the procurer will be  
26 compensated for referring individuals to the chiropractor.

27 (m) Solicitation conducted by a procurer via telephone or electronic  
28 text message shall not:

29 (1) Initiate from a telephone number other than the telephone  
30 number registered with the board;

31 (2) State, imply, or otherwise communicate that:

32 (A) He or she has an affiliation with an insurance company  
33 unless he or she is a licensed insurance agent;

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

1                   (C) The Attorney General’s Office, the board, or any other  
2 regulatory or governmental agency has approved or is otherwise affiliated  
3 with the procurer; or

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

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

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

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

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

14                   (n) A violation of this section is a misdemeanor.

15                   (o) Subsections (i)-(n) of this section shall not apply to a  
16 chiropractic physician, a chiropractic practice, or a procurer that is  
17 registered with the board before January 1, 2025.

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