

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

A Bill

HOUSE BILL 1426

5 By: Representative L. Johnson
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7

For An Act To Be Entitled

9 AN ACT TO AMEND THE HEALTHCARE CONTRACTING
10 SIMPLIFICATION ACT; TO MODIFY THE DEFINITION OF
11 "HEALTHCARE INSURER" UNDER THE HEALTHCARE CONTRACTING
12 SIMPLIFICATION ACT; TO CLARIFY THE PROHIBITION ON
13 LEASING A HEALTHCARE CONTRACT OR PROVIDER NETWORK;
14 AND FOR OTHER PURPOSES.
15

Subtitle

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17 TO AMEND THE HEALTHCARE CONTRACTING
18 SIMPLIFICATION 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. Arkansas Code § 23-99-1202(7), concerning the definition of
24 "health insurer" under the Healthcare Contracting Simplification Act, is
25 amended to read as follows:

26 (7)(A) "Healthcare insurer" means an entity that is subject to
27 state insurance regulation and provides or administers health insurance in
28 this state.

29 (B) "Healthcare insurer" includes:

- 30 (i) An insurance company;
- 31 (ii) A health maintenance organization;
- 32 (iii) A hospital and medical service corporation;
- 33 (iv) A risk-based provider organization;
- 34 (v) A sponsor of a nonfederal self-funded
35 governmental plan; ~~and~~
- 36 (vi) A dental-only plan; and



1 (vii) A third-party administrator or other entity
 2 acting on behalf of a self-insured health benefit plan;

3
 4 SECTION 2. Arkansas Code § 23-99-1203(a), concerning the prohibited
 5 activities under the Healthcare Contracting Simplification Act, is amended to
 6 read as follows:

7 (a) Except as provided in subsections (b) and (d) of this section, a
 8 contracting entity shall not:

9 (1) Offer to a healthcare provider a healthcare contract that
 10 includes an all-products clause;

11 (2) Enter into a healthcare contract with a healthcare provider
 12 that includes an all-products clause; ~~or~~

13 (3) Amend or renew an existing healthcare contract previously
 14 entered into with a healthcare provider so that the healthcare contract as
 15 amended or renewed adds or continues to include an all-products clause; or

16 (4) Require a healthcare provider to accept multiple health
 17 benefit plans that differ in reimbursement rates or other financial terms for
 18 the healthcare provider.

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 20 SECTION 3. Arkansas Code § 23-99-1210 is amended to read as follows:

21 23-99-1210. Healthcare contract or provider network – Prohibition.

22 (a) A ~~healthcare insurer~~ contracting entity shall not:

23 (1) Lease, rent, or sell a healthcare contract or provider
 24 network of a health benefit plan to another contracting entity, healthcare
 25 insurer, or third-party administrator; or

26 (2) In any manner allow the use of a healthcare contract or
 27 provider network of a health benefit plan by another contracting entity,
 28 healthcare insurer, or third-party administrator.

29 (b)(1) A violation of this section is:

30 (A) An unfair trade practice under § 23-66-206; and

31 (B) Subject to the Trade Practices Act, § 23-66-201 et
 32 seq.

33 (2) If a healthcare contract contains a provision that violates
 34 this section, then the provision under the healthcare contract is void.

35 (c) This section does not apply if a ~~healthcare insurer~~ contracting
 36 entity:

1 (1) ~~Grants~~ Is a dental-only health benefit plan and grants
 2 access to the ~~healthcare insurer's~~ contracting entity's provider network
 3 contract to another contracting entity, healthcare insurer, or ~~entity~~ third-
 4 party administrator that is:

5 (A) An affiliate of the ~~healthcare insurer~~ contracting
 6 entity; or

7 (B) Operating according to the same brand licensee program
 8 as the ~~healthcare insurer~~ contracting entity; ~~or~~

9 (2) Provides notice of the intent to lease, rent, or sell a
 10 healthcare contract or provider network of a health benefit plan to another
 11 contracting entity, healthcare insurer, or third-party administrator;

12 (3) Allows a healthcare provider that is a party to the
 13 healthcare contract or provider network of a health benefit plan the
 14 opportunity to opt out of participating in the:

15 (A) Proposed lease, rental, or sale of a healthcare
 16 contract or provider network of a health benefit plan entirely upon the
 17 execution or renewal of the healthcare contract; and

18 (B) Lease, rental, or sale of a healthcare contract with
 19 respect to an individual contracting entity, healthcare insurer, or third-
 20 party administrator upon notice that the individual contracting entity,
 21 healthcare insurer, or third-party administrator has violated the terms of
 22 the healthcare contract; ~~and~~ or

23 (4) Provides contact information for the contracting entity,
 24 healthcare insurer, or third-party administrator using the healthcare
 25 contract or provider network of a health benefit plan, including without
 26 limitation:

27 (A) Contact name;

28 (B) Mailing address;

29 (C) Direct telephone number for customer service matters;

30 and

31 (D) Direct email address for customer service matters.

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 33 SECTION 4. Arkansas Code Title 23, Chapter 99, Subchapter 12, is
 34 amended to add an additional section to read as follows:

35 23-99-1211. Waiver prohibited.

36 (a) This subchapter shall not be waived by contract.

1 (b) A contractual arrangement or action taken in conflict with this
2 subchapter or that purports to waive a requirement of this subchapter is
3 void.

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