

PROPOSED
RULE 86
HEALTH CARE PROVIDER LISTING
UNDER ANY WILLING PROVIDER

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SECTION 1. PURPOSE

The purpose of this Rule is to implement Ark. Code Ann. §23-99-802(4)(DD) which permits the Arkansas Insurance Department to add by regulation "other health care practitioners" who may be entitled to participate in health benefit plans under Ark. Code Ann. §23-99-201, et seq. and Ark. Code Ann. §23-99-801, et seq. (otherwise known as the "Any Willing Provider Law").

SECTION 2. HEALTH CARE PROVIDERS

The following "other health care practitioners" shall be entitled to participate in health benefit plans under the Any Willing Provider Law, in addition to the health care providers listed in Ark. Code Ann. §23-99-203(d) and §23-99-802(4), to the extent that the specific health care service is offered or covered in the health benefit plan in the manner specified in the health benefit plan of that insured or beneficiary:

- (1) medical facilities providing clinical diagnostic services for sleep disorders;
- (2) medical facilities providing magnetic resonance imaging, computed axial tomography, or other imaging diagnostic testing.

SECTION 3. HEALTH CARE SERVICE COVERAGE FOR LISTED MEDICAL PROVIDERS

Nothing in this Rule shall require any health care insurer subject to the Any Willing Provider Law to offer or provide coverage for a health care service or benefit not already offered or covered in the health care benefit plan according to the terms and conditions of the health benefit plan. The fact that a medical provider or practitioner is listed in this Rule or in Ark. Code Ann. §23-99-203(d) or §23-99-802(4) is not a mandate that a health care insurer has to offer or cover a health care service performed by that listed provider, or establish a network for that class of

medical providers, if the health care benefit plan does not offer or cover such service according to the terms and conditions of the health benefit plan.

SECTION 4. AUTHORITY

Authority for this Rule is given to the Insurance Commissioner for the State of Arkansas by Ark. Code Ann. §23-99-802(4)(DD) which permits the Arkansas Insurance Department to add "other health care practitioners" entitled to participate in the Any Willing Provider Law. In addition, the Commissioner has authority to issue this Rule under Ark. Code Ann. §§23-99-803(1), 23-61-108, and 25-15-201 et seq.

SECTION 5. APPLICABILITY AND SCOPE

This Rule shall apply to all "health insurers," or "health care insurers," defined in Ark. Code Ann. §23-99-802(5), which provide or offer "health benefit plans" defined in Ark. Code Ann. §23-99-802(3).

SECTION 6. SEVERABILITY

If any provision of this Rule, or the application thereof to any person or circumstance, is held invalid, such invalidity shall not affect other provisions or applications of this Rule which can be given effect without the invalid provision or application, and to that end the provisions of this Rule are severable.

SECTION 7. EFFECTIVE DATE

This Rule shall be effective on and after August 1, 2006.