

# Arkansas Insurance Department

Asa Hutchinson  
Governor



Allen Kerr  
Commissioner

## **BULLETIN NO.: 8-2015**

**TO: ALL LICENSED INSURERS, HEALTH MAINTENANCE ORGANIZATIONS, FRATERNAL BENEFIT SOCIETIES, FARMERS' MUTUAL AID ASSOCIATIONS OR COMPANIES, HOSPITAL MEDICAL SERVICE CORPORATIONS, NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS, PRODUCER AND COMPANY TRADE ASSOCIATIONS, ALL LICENSED THIRD PARTY ADMINISTRATORS, PHARMACY BENEFIT MANAGERS, AND OTHER INTERESTED PARTIES.**

**FROM: ARKANSAS INSURANCE DEPARTMENT**

**SUBJECT: COMPLIANCE WITH JULY 1, 2015 DATA SUBMISSION REQUIREMENTS UNDER ACT 1233 OF 2015, "THE ARKANSAS HEALTHCARE TRANSPARENCY INITIATIVE ACT OF 2015."**

**DATE: MAY 14, 2015**

This Bulletin is issued in response to inquiries from health insurers and other organizations subject to Act 1233 of 2015 of the 90th Arkansas General Assembly, also known as the "Arkansas Healthcare Transparency Initiative Act of 2015" (hereafter, the "Transparency Initiative"). The Arkansas Insurance Department ("AID") has been asked by various insurers and health plans subject to the Transparency Initiative about compliance and reporting responsibilities related to supplying data under the Transparency Initiative no later than July 1, 2015 to support deliberations of the Arkansas Health Reform Legislative Task Force ("Task Force").

Under the Transparency Initiative, AID is required to collect various types of data as defined in the Act from health insurers, health plans, and other entities as defined in the Act. AID is charged with governing the collection and reporting of such data for the purpose of providing consumers and policymakers with more transparent medical pricing and qualitative data so that consumers and policymakers can make more informed decisions about healthcare costs, healthcare quality and access. Another purpose of the Transparency Initiative is for the data to assist the Arkansas Health Care Reform Task Force, created under Act 46 of 2015, to facilitate its evaluation of the Health Care Independence program.

Under Ark. Code Ann. § 23-61-906(d) in the Transparency Initiative, the Act provides that "no later than July 1, 2015, a submitting entity shall submit health and dental claims data, unique identifiers, and geographic and demographic information for covered individuals as permitted in this subchapter to the Arkansas Healthcare Initiative to support the deliberations of the Arkansas Health Reform Legislative Task Force." AID has received inquiries from health insurers and other organizations requesting details

related to which subject organizations must supply data to comply with the July 1, 2015 date, given that the Act provides no time frame for refining definitions and providing descriptions of what types of claims information would be needed to “support the deliberations of the Arkansas Health Reform Legislative Task Force.”


AID issues this Bulletin to provide the subject organizations with its interpretation and guidance as to the July 1, 2015 compliance date under the Transparency Initiative.


Ark. Code Ann. § 23-61-906(d) applies to a “submitting entity” which is not therein limited to only apply to submitting entities offering qualified health plans (“QHPs”) in the Arkansas Health Insurance Marketplace (“Marketplace”). The Department however interprets this provision as if it were so limited and to apply only to health plan issuers participating in the Marketplace as of July 1, 2015. This is due to the fact that the ultimate objective of this subsection is to supply information for the benefit of the Task Force by July 1, 2015. The Task Force is assessing Arkansas Medicaid programs including the Health Care Independence Program, a premium assistance program authorized by federal waiver and supported by the purchase of QHPs offered through the Marketplace. AID therefore interprets the requirements of Ark. Code Ann. § 23-61-906(d) for purposes of the July 1, 2015 data submission requirements to only apply to QHPs participating in the Marketplace.

AID however advises health plans and other organizations meeting the definition of a submitting entity under Ark. Code Ann. § 23-61-903(9)(A), which are not QHP issuers in the Marketplace, that there exists a January 1, 2016 data submission requirement in the Transparency Initiative which may apply to such organizations. AID advises such organizations that it intends to begin the rule-making process and issue an administrative rule to govern these data submission requirements due January 1, 2016. The rule will also specifically address the establishment of an advisory board and subcommittees as required in the Transparency Initiative. AID is reviewing other state-based claims database rules for guidance with the objective of issuing an administrative rule in September of 2015.

AID will issue further guidance and clarification related to QHPs satisfying the July 1, 2015 data submission requirements to support the deliberations of the Task Force, after consultation with the Task Force as to the data needed.

For any questions regarding this Bulletin, please contact Booth Rand in the Legal Division of the Arkansas Insurance Department at 501-371-2820.

  
\_\_\_\_\_  
ALLEN KERR  
INSURANCE COMMISSIONER  
STATE OF ARKANSAS

  
\_\_\_\_\_  
DATE