

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

A Bill

SENATE BILL 278

5 By: Senator B. King
6 By: Representative Miller
7

For An Act To Be Entitled

9 AN ACT TO TERMINATE THE ARKANSAS HEALTH AND
10 OPPORTUNITY FOR ME PROGRAM; TO TRANSFER ALL
11 BENEFICIARIES IN THE ARKANSAS HOME AND OPPORTUNITY
12 FOR ME PROGRAM TO THE TRADITIONAL ARKANSAS MEDICAID
13 PROGRAM; TO REPEAL THE ARKANSAS HEALTH AND
14 OPPORTUNITY FOR ME ACT OF 2021; AND FOR OTHER
15 PURPOSES.
16
17

Subtitle

18 TO TERMINATE THE ARKANSAS HEALTH AND
19 OPPORTUNITY FOR ME PROGRAM; AND TO
20 TRANSFER ALL BENEFICIARIES IN THE
21 ARKANSAS HOME AND OPPORTUNITY FOR ME
22 PROGRAM TO THE TRADITIONAL ARKANSAS
23 MEDICAID PROGRAM.
24
25
26

27 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
28

29 SECTION 1. DO NOT CODIFY. Legislative intent.

30 It is the intent of the General Assembly to:

31 (1) Repeal the Arkansas Health and Opportunity for Me Program;

32 (2) Amend various sections of the Arkansas Code to end

33 Arkansas's participation in the Arkansas Health and Opportunity for Me
34 Program; and

35 (3) Instruct the Governor to submit a waiver to:

36 (A) Transfer all individuals enrolled and participating in



1 the Arkansas Health and Opportunity for Me Program to the traditional
2 Medicaid program on and after July 1, 2023; and

3 (B) Terminate the Arkansas Health and Opportunity for Me
4 Program on December 31, 2024.

5
6 SECTION 2. DO NOT CODIFY. Arkansas Health and Opportunity for Me
7 Program.

8 (a) The Department of Human Services shall:

9 (1) Notify all persons enrolled in the Arkansas Health and
10 Opportunity for Me Program as of the effective date of this act that the
11 Arkansas Health and Opportunity for Me Program ends on December 31, 2024;

12 (2) Inform a new enrollee in the Arkansas Health and Opportunity
13 for Me Program after the effective date of this act that the Arkansas Health
14 and Opportunity for Me Program ends on December 31, 2024; and

15 (3) Transfer all persons enrolled in the Arkansas Health and
16 Opportunity for Me Program or any person who enrolled in the Arkansas Health
17 and Opportunity for Me Program after July 1, 2023, to coverage under the
18 traditional Medicaid program on July 1, 2023.

19 (b) The department may prohibit new enrollees in the Arkansas Health
20 and Opportunity for Me Program to begin the transition period before the
21 termination date of December 31, 2024.

22 (c) On the effective date of this act, the department shall submit any
23 Medicaid state plan amendments and federal waivers necessary to eliminate the
24 eligibility in the Arkansas Health and Opportunity for Me Program after
25 December 31, 2024.

26 (d) This section does not prohibit the payment of expenses incurred
27 before December 31, 2024, by persons participating in the Arkansas Health and
28 Opportunity for Me Program.

29
30 SECTION 3. Arkansas Code § 19-5-984(b)(2)(D), concerning the Division
31 of Workforce Services Special Fund, is repealed.

32 ~~(D) The Arkansas Health and Opportunity for Me Act of~~
33 ~~2021, § 23-61-1001 et seq., or its successor; and~~

34
35 SECTION 4. Arkansas Code § 19-5-1146 is repealed.
36 ~~19-5-1146. Arkansas Health and Opportunity for Me Program Trust Fund.~~

1 ~~(a) There is created on the books of the Treasurer of State, the~~
 2 ~~Auditor of State, and the Chief Fiscal Officer of the State a trust fund to~~
 3 ~~be known as the "Arkansas Health and Opportunity for Me Program Trust Fund".~~

4 ~~(b) The fund shall consist of:~~

5 ~~(1) Moneys saved and accrued under the Arkansas Health and~~
 6 ~~Opportunity for Me Act of 2021, § 23-61-1001 et seq., including without~~
 7 ~~limitation:~~

8 ~~(A) Increases in premium tax collections; and~~

9 ~~(B) Other spending reductions resulting from the Arkansas~~
 10 ~~Health and Opportunity for Me Act of 2021, § 23-61-1001 et seq.; and~~

11 ~~(2) Other revenues and funds authorized by law.~~

12 ~~(c) The Department of Human Services shall use the fund to pay for~~
 13 ~~future obligations under the Arkansas Health and Opportunity for Me Program~~
 14 ~~created by the Arkansas Health and Opportunity for Me Act of 2021, § 23-61-~~
 15 ~~1001 et seq.~~

16
 17 SECTION 5. Arkansas Code § 23-61-803(h), concerning the Arkansas
 18 Health Insurance Marketplace, is amended to read as follows:

19 (h) The State Insurance Department and any eligible entity under
 20 subdivision (e)(2) of this section shall provide claims and other plan and
 21 enrollment data to the Department of Human Services upon request to:

22 ~~(1) Facilitate facilitate compliance with reporting requirements~~
 23 ~~under state and federal law; and~~

24 ~~(2) Assess the performance of the Arkansas Health and~~
 25 ~~Opportunity for Me Program established by the Arkansas Health and Opportunity~~
 26 ~~for Me Act of 2021, § 23-61-1001 et seq., including without limitation the~~
 27 ~~program's quality, cost, and consumer access.~~

28
 29 SECTION 6. Arkansas Code Title 23, Chapter 16, Subchapter 10, is
 30 repealed.

31
 32 ~~Subchapter 10—Arkansas Health and Opportunity for Me Act of 2021~~

33
 34 ~~23-61-1001. Title.~~

35 ~~This subchapter shall be known and may be cited as the "Arkansas Health~~
 36 ~~and Opportunity for Me Act of 2021".~~

1
2 ~~23-61-1002.—Legislative intent.~~

3 ~~Notwithstanding any general or specific laws to the contrary, it is the~~
4 ~~intent of the General Assembly for the Arkansas Health and Opportunity for Me~~
5 ~~Program to be a fiscally sustainable, cost-effective, and opportunity-driven~~
6 ~~program that:~~

7 ~~(1)—Achieves comprehensive and innovative healthcare reform that~~
8 ~~reduces the rate of growth in state and federal obligations for providing~~
9 ~~healthcare coverage to low-income adults in Arkansas;~~

10 ~~(2)—Reduces the maternal and infant mortality rates in the state~~
11 ~~through initiatives that promote healthy outcomes for eligible women with~~
12 ~~high-risk pregnancies;~~

13 ~~(3)—Promotes the health, welfare, and stability of mothers and~~
14 ~~their infants after birth through hospital-based community bridge~~
15 ~~organizations;~~

16 ~~(4)—Encourages personal responsibility for individuals to~~
17 ~~demonstrate that they value healthcare coverage and understand their roles~~
18 ~~and obligations in maintaining private insurance coverage;~~

19 ~~(5)—Increases opportunities for full-time work and attainment of~~
20 ~~economic independence, especially for certain young adults, to reduce long-~~
21 ~~term poverty that is associated with additional risk for disease and~~
22 ~~premature death;~~

23 ~~(6)—Addresses health-related social needs of Arkansans in rural~~
24 ~~counties through hospital-based community bridge organizations and reduces~~
25 ~~the additional risk for disease and premature death associated with living in~~
26 ~~a rural county;~~

27 ~~(7)—Strengthens the financial stability of the critical-access~~
28 ~~hospitals and other small, rural hospitals; and~~

29 ~~(8)—Fills gaps in the continuum of care for individuals in need~~
30 ~~of services for serious mental illness and substance use disorders.~~

31
32 ~~23-61-1003.—Definitions.~~

33 ~~As used in this subchapter:~~

34 ~~(1)—“Acute care hospital” means a hospital that:~~

35 ~~(A)—Is licensed by the Department of Health under § 20-9-~~
36 ~~201 et seq., as a general hospital or a surgery and general medical care~~

1 hospital; and

2 (B) Is enrolled as a provider with the Arkansas Medicaid
3 Program;

4 (2) "Birthing hospital" means a hospital in this state or in a
5 border state that:

6 (A) Is licensed as a general hospital;

7 (B) Provides obstetrics services; and

8 (C) Is enrolled as a provider with the Arkansas Medicaid
9 Program;

10 (3) "Community bridge organization" means an organization that
11 is authorized by the Department of Human Services to participate in the
12 economic independence initiative or the health improvement initiative to:

13 (A) Screen and refer Arkansans to resources available in
14 their communities to address health-related social needs; and

15 (B) Assist eligible individuals identified as target
16 populations most at risk of disease and premature death and who need a higher
17 level of intervention to improve their health outcomes and succeed in meeting
18 their long-term goals to achieve independence, including economic
19 independence;

20 (4) "Cost sharing" means the portion of the cost of a covered
21 medical service that is required to be paid by or on behalf of an eligible
22 individual;

23 (5) "Critical access hospital" means an acute care hospital that
24 is:

25 (A) Designated by the Centers for Medicare & Medicaid
26 Services as a critical access hospital; and

27 (B) Is enrolled as a provider in the Arkansas Medicaid
28 Program;

29 (6) "Economic independence initiative" means an initiative
30 developed by the Department of Human Services that is designed to promote
31 economic stability by encouraging participation of program participants to
32 engage in full-time, full-year work, and to demonstrate the value of
33 enrollment in an individual qualified health insurance plan through
34 incentives and disincentives;

35 (7) "Eligible individual" means an individual who is in the
36 eligibility category created by section 1902(a)(10)(A)(i)(VIII) of the Social

1 ~~Security Act, 42 U.S.C. § 1396a;~~

2 ~~(8) “Employer health insurance coverage” means a health~~
3 ~~insurance benefit plan offered by an employer or, as authorized by this~~
4 ~~subchapter, an employer self-funded insurance plan governed by the Employee~~
5 ~~Retirement Income Security Act of 1974, Pub. L. No. 93-406, as amended;~~

6 ~~(9) “Health improvement initiative” means an initiative~~
7 ~~developed by an individual qualified health insurance plan or the Department~~
8 ~~of Human Services that is designed to encourage the participation of eligible~~
9 ~~individuals in health assessments and wellness programs, including fitness~~
10 ~~programs and smoking or tobacco cessation programs;~~

11 ~~(10) “Health insurance benefit plan” means a policy, contract,~~
12 ~~certificate, or agreement offered or issued by a health insurer to provide,~~
13 ~~deliver, arrange for, pay for, or reimburse any of the costs of healthcare~~
14 ~~services, but not including excepted benefits as defined under 42 U.S.C. §~~
15 ~~300gg-91(c), as it existed on January 1, 2021;~~

16 ~~(11) “Health insurance marketplace” means the applicable~~
17 ~~entities that were designed to help individuals, families, and businesses in~~
18 ~~Arkansas shop for and select health insurance benefit plans in a way that~~
19 ~~permits comparison of available plans based upon price, benefits, services,~~
20 ~~and quality, and refers to either:~~

21 ~~(A) The Arkansas Health Insurance Marketplace created~~
22 ~~under the Arkansas Health Insurance Marketplace Act, § 23-61-801 et seq., or~~
23 ~~a successor entity; or~~

24 ~~(B) The federal health insurance marketplace or federal~~
25 ~~health benefit exchange created under the Patient Protection and Affordable~~
26 ~~Care Act, Pub. L. No. 111-148;~~

27 ~~(12) “Health insurer” means an insurer authorized by the State~~
28 ~~Insurance Department to provide health insurance or a health insurance~~
29 ~~benefit plan in the State of Arkansas, including without limitation:~~

30 ~~(A) An insurance company;~~

31 ~~(B) A medical services plan;~~

32 ~~(C) A hospital plan;~~

33 ~~(D) A hospital medical service corporation;~~

34 ~~(E) A health maintenance organization;~~

35 ~~(F) A fraternal benefits society;~~

36 ~~(G) Any other entity providing health insurance or a~~

1 health insurance benefit plan subject to state insurance regulation; or

2 (H) ~~A risk based provider organization licensed by the~~
3 ~~Insurance Commissioner under § 20-77-2704;~~

4 (13) ~~“Healthcare coverage” means coverage provided under this~~
5 ~~subchapter through either an individual qualified health insurance plan, a~~
6 ~~risk based provider organization, employer health insurance coverage, or the~~
7 ~~fee for service Arkansas Medicaid Program;~~

8 (14) ~~“Individual qualified health insurance plan” means an~~
9 ~~individual health insurance benefit plan offered by a health insurer that~~
10 ~~participates in the health insurance marketplace to provide coverage in~~
11 ~~Arkansas that covers only essential health benefits as defined by Arkansas~~
12 ~~rule and 45 C.F.R. § 156.110 and any federal insurance regulations, as they~~
13 ~~existed on January 1, 2021;~~

14 (15) ~~“Member” means a program participant who is enrolled in an~~
15 ~~individual qualified health insurance plan;~~

16 (16) ~~“Premium” means a monthly fee that is required to be paid~~
17 ~~by or on behalf of an eligible individual to maintain some or all health~~
18 ~~insurance benefits;~~

19 (17) ~~“Program participant” means an eligible individual who:~~

20 (A) ~~Is at least nineteen (19) years of age and no more~~
21 ~~than sixty four (64) years of age with an income that meets the income~~
22 ~~eligibility standards established by rule of the Department of Human~~
23 ~~Services;~~

24 (B) ~~Is authenticated to be a United States citizen or~~
25 ~~documented qualified alien according to the Personal Responsibility and Work~~
26 ~~Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193;~~

27 (C) ~~Is not eligible for Medicare or advanced premium tax~~
28 ~~credits through the health insurance marketplace; and~~

29 (D) ~~Is not determined by the Department of Human Services~~
30 ~~to be medically frail or eligible for services through a risk based provider~~
31 ~~organization;~~

32 (18) ~~“Risk based provider organization” means the same as~~
33 ~~defined in § 20-77-2703; and~~

34 (19) ~~“Small rural hospital” means a critical access hospital or~~
35 ~~a general hospital that:~~

36 (A) ~~Is located in a rural area;~~

1 ~~the Arkansas Health and Opportunity for Me Program.~~

2 ~~(b) Healthcare coverage under this subchapter shall be provided~~
3 ~~through enrollment in:~~

4 ~~(1) An individual qualified health insurance plan through a~~
5 ~~health insurer;~~

6 ~~(2) A risk based provider organization;~~

7 ~~(3) An employer sponsored health insurance coverage; or~~

8 ~~(4) The fee for service Arkansas Medicaid Program.~~

9 ~~(c) Annually, the Department of Human Services shall develop~~
10 ~~purchasing guidelines that:~~

11 ~~(1) Describe which individual qualified health insurance plans~~
12 ~~are suitable for purchase in the next demonstration year, including without~~
13 ~~limitation:~~

14 ~~(A) The level of the plan;~~

15 ~~(B) The amounts of allowable premiums;~~

16 ~~(C) Cost sharing;~~

17 ~~(D) Auto assignment methodology; and~~

18 ~~(E) The total per member per month enrollment range; and~~

19 ~~(2) Ensure that:~~

20 ~~(A) Payments to an individual qualified health insurance~~
21 ~~plan do not exceed budget neutrality limitations in each demonstration year;~~

22 ~~(B) The total payments to all of the individual qualified~~
23 ~~health insurance plans offered by the health insurers for eligible~~
24 ~~individuals combined do not exceed budget targets for the Arkansas Health and~~
25 ~~Opportunity for Me Program in each demonstration year that the Department of~~
26 ~~Human Services may achieve by:~~

27 ~~(i) Setting in advance an enrollment range to~~
28 ~~represent the minimum and a maximum total monthly number of enrollees into~~
29 ~~all individual qualified health insurance plans no later than April 30 of~~
30 ~~each demonstration year in order for the individual qualified health~~
31 ~~insurance plans to file rates for the following demonstration year;~~

32 ~~(ii) Temporarily suspending auto assignment into the~~
33 ~~individual qualified health insurance plans at any time in a demonstration~~
34 ~~year if necessary, to remain within the enrollment range and budget targets~~
35 ~~for the demonstration year; and~~

36 ~~(iii) Developing a methodology for random auto-~~

1 ~~assignment of program participants into the individual qualified health~~
2 ~~insurance plans after a suspension period has ended;~~

3 ~~(C) Individual qualified health insurance plans meet and~~
4 ~~report quality and performance measurement targets set by the Department of~~
5 ~~Human Services; and~~

6 ~~(D) At least two (2) health insurers offer individual~~
7 ~~qualified health insurance plans in each county in the state.~~

8 ~~(d)(1) The Department of Human Services, the State Insurance~~
9 ~~Department, and each of the individual qualified health insurance plans shall~~
10 ~~enter into a memorandum of understanding that shall specify the duties and~~
11 ~~obligations of each party in the operation of the Arkansas Health and~~
12 ~~Opportunity for Me Program, including provisions necessary to effectuate the~~
13 ~~purchasing guidelines and reporting requirements, at least thirty (30)~~
14 ~~calendar days before the annual open enrollment period.~~

15 ~~(2) If a memorandum of understanding is not fully executed with~~
16 ~~a health insurer by January 1 of each new demonstration year, the Department~~
17 ~~of Human Services shall suspend auto-assignment of new members to the health~~
18 ~~insurers until the first day of the month after the new memorandum of~~
19 ~~understanding is fully executed.~~

20 ~~(3) The memorandum of understanding shall include financial~~
21 ~~sanctions determined appropriate by the Department of Human Services that may~~
22 ~~be applied if the Department of Human Services determines that an individual~~
23 ~~qualified health insurance plan has not met the quality and performance~~
24 ~~measurement targets or any other condition of the memorandum of~~
25 ~~understanding.~~

26 ~~(4)(A) If the Department of Human Services determines that the~~
27 ~~individual qualified health insurance plans have not met the quality and~~
28 ~~health performance targets for two (2) years, the Department of Human~~
29 ~~Services shall develop additional reforms to achieve the quality and health~~
30 ~~performance targets.~~

31 ~~(B) If legislative action is required to implement the~~
32 ~~additional reforms described in subdivision (d)(4)(A) of this section, the~~
33 ~~Department of Human Services may take the action to the Legislative Council~~
34 ~~or the Executive Subcommittee of the Legislative Council for immediate~~
35 ~~action.~~

36 ~~(e) The Department of Human Services shall:~~

1 ~~(1) Adopt premiums and cost sharing levels for individuals~~
 2 ~~enrolled in the Arkansas Health and Opportunity for Me Program, not to exceed~~
 3 ~~aggregate limits under 42 C.F.R. § 447.56;~~

4 ~~(2)(A) Establish and maintain a process for premium payments,~~
 5 ~~advanced cost sharing reduction payments, and reconciliation payments to~~
 6 ~~health insurers.~~

7 ~~(B) The process described in subdivision (c)(2)(A) of this~~
 8 ~~section shall attribute any unpaid member liabilities as solely the financial~~
 9 ~~obligation of the individual member.~~

10 ~~(C) The Department of Human Services shall not include any~~
 11 ~~unpaid individual member obligation in any payment or financial~~
 12 ~~reconciliation with health insurers or in a future premium rate; and~~

13 ~~(3)(A) Calculate a total per member per month amount for each~~
 14 ~~individual qualified health insurance plan based on all payments made by the~~
 15 ~~Department of Human Services on behalf of an individual enrolled in the~~
 16 ~~individual qualified health insurance plan.~~

17 ~~(B)(i) The amount described in subdivision (c)(3)(A) of~~
 18 ~~this section shall include premium payments, advanced cost sharing reduction~~
 19 ~~payments for services provided to covered individuals during the~~
 20 ~~demonstration year, and any other payments accruing to the budget neutrality~~
 21 ~~target for plan enrolled individuals made during the demonstration year and~~
 22 ~~the member months for each demonstration year.~~

23 ~~(ii) The total per member per month upper limit is~~
 24 ~~the budget neutrality per member per month limit established in the approved~~
 25 ~~demonstration for each demonstration year.~~

26 ~~(C) If the Department of Human Services calculates that~~
 27 ~~the total per member per month limit for an individual qualified health~~
 28 ~~insurance plan for that demonstration year exceeds the budget neutrality per-~~
 29 ~~member per month limit for that demonstration year, the Department of Human~~
 30 ~~Services shall not make any additional reconciliation payments to the health~~
 31 ~~insurer for that individual qualified health insurance plan.~~

32 ~~(D) If the Department of Human Services determines that~~
 33 ~~the budget neutrality limit has been exceeded, the Department of Human~~
 34 ~~Services shall recover the excess funds from the health insurer for that~~
 35 ~~individual qualified health insurance plan.~~

36 ~~(f)(1) If the federal medical assistance percentages for the Arkansas~~

1 Health and Opportunity for Me Program are reduced to below ninety percent
2 (90%), the Department of Human Services shall present to the Centers for
3 Medicare & Medicaid Services a plan within thirty (30) days of the reduction
4 to terminate the Arkansas Health and Opportunity for Me Program and
5 transition eligible individuals out of the Arkansas Health and Opportunity
6 for Me Program within one hundred twenty (120) days of the reduction.

7 (2) An eligible individual shall maintain coverage during the
8 process to implement the plan to terminate the Arkansas Health and
9 Opportunity for Me Program and the transition of eligible individuals out of
10 the Arkansas Health and Opportunity for Me Program.

11 (g)(1) A health insurer that is providing an individual qualified
12 health insurance plan or employer health insurance coverage for an eligible
13 individual shall submit claims and enrollment data to the Department of Human
14 Services to facilitate reporting required under this subchapter or other
15 state or federally required reporting or evaluation activities.

16 (2) A health insurer may utilize existing mechanisms with
17 supplemental enrollment information to fulfill requirements under this
18 subchapter, including without limitation the state's all-payer claims
19 database established under the Arkansas Healthcare Transparency Initiative
20 Act of 2015, § 23-61-901 et seq., for claims and enrollment data submission.

21 (h)(1) The Governor shall request a block grant under relevant federal
22 law and regulations for the funding of the Arkansas Medicaid Program as soon
23 as practical if the federal law or regulations change to allow the approval
24 of a block grant for this purpose.

25 (2) The Governor shall request a waiver under relevant federal
26 law and regulations for a work requirement as a condition of maintaining
27 coverage in the Arkansas Medicaid Program as soon as practical if the federal
28 law or regulations change to allow the approval of a waiver for this purpose.

29
30 23-61-1005. Requirements for eligible individuals.

31 (a) An eligible individual is responsible for all applicable cost-
32 sharing and premium payment requirements as determined by the Department of
33 Human Services.

34 (b) An eligible individual may participate in a health improvement
35 initiative, as developed and implemented by either the eligible individual's
36 individual qualified health insurance plan or the department.

1 ~~(c)(1)(A)—An eligible individual who is determined by the department~~
2 ~~to meet the eligibility criteria for a risk-based provider organization due~~
3 ~~to serious mental illness or substance use disorder shall be enrolled in a~~
4 ~~risk-based provider organization under criteria established by the~~
5 ~~department.~~

6 ~~(B)—An eligible individual who is enrolled in a risk-based~~
7 ~~provider organization is exempt from the requirements of subsections (a) and~~
8 ~~(b) of this section.~~

9 ~~(2)(A)—An eligible individual who is determined by the~~
10 ~~department to be medically frail shall receive healthcare coverage through~~
11 ~~the fee-for-service Arkansas Medicaid Program.~~

12 ~~(B)—An eligible individual who is enrolled in the fee-for-~~
13 ~~service Arkansas Medicaid Program is exempt from the requirements of~~
14 ~~subsection (a) of this section.~~

15 ~~(d)—An eligible individual shall receive notice that:~~

16 ~~(1)—The Arkansas Health and Opportunity for Me Program is not a~~
17 ~~perpetual federal or state right or a guaranteed entitlement;~~

18 ~~(2)—The Arkansas Health and Opportunity for Me Program is~~
19 ~~subject to cancellation upon appropriate notice;~~

20 ~~(3)—Enrollment in an individual qualified health insurance plan~~
21 ~~is not a right; and~~

22 ~~(4)—If the individual chooses not to participate or fails to~~
23 ~~meet participation goals in the economic independence initiative, the~~
24 ~~individual may lose incentives provided through enrollment in an individual~~
25 ~~qualified health insurance plan or be unenrolled from the individual~~
26 ~~qualified health insurance plan after notification by the department.~~

27
28 ~~23-61-1006.—Requirements for program participants.~~

29 ~~(a)—The economic independence initiative applies to all program~~
30 ~~participants in accordance with the implementation schedule of the Department~~
31 ~~of Human Services.~~

32 ~~(b)—Incentives established by the department for participation in the~~
33 ~~economic independence initiative and the health improvement initiative may~~
34 ~~include, without limitation, the waiver of premium payments and cost-sharing~~
35 ~~requirements as determined by the department for participation in one (1) or~~
36 ~~more initiatives.~~

1 ~~(c) Failure by a program participant to meet the cost-sharing and~~
 2 ~~premium payment requirement under § 23-61-1005(a) may result in the accrual~~
 3 ~~of a personal debt to the health insurer or provider.~~

4 ~~(d)(1)(A) Failure by the program participant to meet the initiative~~
 5 ~~participation requirements of subsection (b) of this section may result in:~~

6 ~~(i) Being unenrolled from the individual qualified~~
 7 ~~health insurance plan; or~~

8 ~~(ii) The loss of incentives, as defined by the~~
 9 ~~department.~~

10 ~~(B) However, an individual who is unenrolled shall not~~
 11 ~~lose Medicaid healthcare coverage based solely on disenrollment from the~~
 12 ~~individual qualified health insurance plan.~~

13 ~~(2) The department shall develop and notify program participants~~
 14 ~~of the criteria for restoring eligibility for incentive benefits that were~~
 15 ~~removed as a result of the program participants' failure to meet the~~
 16 ~~initiative participation requirements of subsection (b) of this section.~~

17 ~~(3)(A) A program participant who also meets the criteria of a~~
 18 ~~community bridge organization target population may qualify for additional~~
 19 ~~incentives by successfully completing the economic independence initiative~~
 20 ~~provided through a community bridge organization.~~

21 ~~(B) If successfully completing the initiative results in~~
 22 ~~an increase in the program participant's income that exceeds the program's~~
 23 ~~financial eligibility limits, a program participant may receive, for a~~
 24 ~~specified period of time, financial assistance to pay:~~

25 ~~(i) The individual's share of employer-sponsored~~
 26 ~~health insurance coverage not to exceed a limit determined by the department;~~

27 ~~or~~

28 ~~(ii) A share of the individual's cost-sharing~~
 29 ~~obligation, as determined by the department, if the individual enrolls in a~~
 30 ~~health insurance benefit plan offered through the Arkansas Health Insurance~~
 31 ~~Marketplace.~~

32
 33 ~~23-61-1007. Insurance standards for individual qualified health~~
 34 ~~insurance plans.~~

35 ~~(a) Insurance coverage for a member enrolled in an individual~~
 36 ~~qualified health insurance plan shall be obtained, at a minimum, through~~

1 silver level metallic plans as provided in 42 U.S.C. § 18022(d) and § 18071,
2 as they existed on January 1, 2021, that restrict out-of-pocket costs to
3 amounts that do not exceed applicable out-of-pocket cost limitations.

4 (b) As provided under § 23-61-1004(e)(2), health insurers shall track
5 the applicable premium payments and cost sharing collected from members to
6 ensure that the total amount of an individual's payments for premiums and
7 cost sharing does not exceed the aggregate cap imposed by 42 C.F.R. § 447.56.

8 (c) All health benefit plans purchased by the Department of Human
9 Services shall:

10 (1) Conform to the requirements of this section and applicable
11 insurance rules;

12 (2) Be certified by the State Insurance Department;

13 (3)(A) Maintain a medical loss ratio of at least eighty percent
14 (80%) for an individual qualified health insurance plan as required under 45
15 C.F.R. § 158.210(e), as it existed on January 1, 2021, or rebate the
16 difference to the Department of Human Services for members.

17 (B) However, the Department of Human Services may approve
18 up to one percent (1%) of revenues as community investments and as benefit
19 expenses in calculating the medical loss ratio of a plan in accordance with
20 45 C.F.R. § 158.150;

21 (4) Develop:

22 (A) An annual quality assessment and performance
23 improvement strategic plan to be approved by the Department of Human Services
24 that aligns with federal quality improvement initiatives and quality and
25 reporting requirements of the Department of Human Services; and

26 (B) Targeted initiatives based on requirements established
27 by the Department of Human Services in consultation with the Department of
28 Health; and

29 (5) Make reports to the Department of Human Services and the
30 Department of Health regarding quality and performance metrics in a manner
31 and frequency established by a memorandum of understanding.

32 (d) A health insurer offering individual qualified health insurance
33 plans for members shall participate in the Arkansas Patient-Centered Medical
34 Home Program, including:

35 (1) Attributing enrollees in individual qualified health
36 insurance plans, including members, to a primary care physician;

1 ~~(2) Providing financial support to patient-centered medical
2 homes to meet practice transformation milestones; and~~

3 ~~(3) Supplying clinical performance data to patient-centered
4 medical homes, including data to enable patient-centered medical homes to
5 assess the relative cost and quality of healthcare providers to whom patient-
6 centered medical homes refer patients.~~

7 ~~(e)(1) Each individual qualified health insurance plan shall provide
8 for a health improvement initiative, subject to the review and approval of
9 the Department of Human Services, to provide incentives to its enrolled
10 members to participate in one (1) or more health improvement initiatives as
11 defined in § 23-61-1003(9).~~

12 ~~(2)(A) The Department of Human Services shall work with health
13 insurers offering individual qualified health insurance plans to ensure the
14 economic independence initiative offered by the health insurer includes a
15 robust outreach and communications effort which targets specific health,
16 education, training, employment, and other opportunities appropriate for its
17 enrolled members.~~

18 ~~(B) The outreach and communications effort shall recognize
19 that enrolled members receive information from multiple channels, including
20 without limitation:~~

21 ~~(i) Community service organizations;~~

22 ~~(ii) Local community outreach partners;~~

23 ~~(iii) Email;~~

24 ~~(iv) Radio;~~

25 ~~(v) Religious organizations;~~

26 ~~(vi) Social media;~~

27 ~~(vii) Television;~~

28 ~~(viii) Text message; and~~

29 ~~(ix) Traditional methods such as newspaper or mail.~~

30 ~~(f) On or before January 1, 2022, the State Insurance Department and
31 the Department of Human Services may implement through certification
32 requirements or rule, or both, the applicable provisions of this section.~~

33
34 ~~23-61-1009. — Sunset.~~

35 ~~This subchapter shall expire on December 31, 2026.~~

36

1 ~~23-61-1010. Community bridge organizations.~~

2 ~~(a) The Department of Human Services shall develop requirements and~~
 3 ~~qualifications for community bridge organizations to provide assistance to~~
 4 ~~one (1) or more of the following target populations:~~

5 ~~(1) Individuals who become pregnant with a high risk pregnancy~~
 6 ~~and the child, throughout the pregnancy and up to twenty four (24) months~~
 7 ~~after birth;~~

8 ~~(2) Individuals in rural areas of the state in need of treatment~~
 9 ~~for serious mental illness or substance use disorder;~~

10 ~~(3) Individuals who are young adults most at risk of poor health~~
 11 ~~due to long-term poverty and who meet criteria established by the Department~~
 12 ~~of Human Services, including without limitation the following:~~

13 ~~(A) An individual between nineteen (19) and twenty-four~~
 14 ~~(24) years of age who has been previously placed under the supervision of~~
 15 ~~the:~~

16 ~~(i) Division of Youth Services; or~~

17 ~~(ii) Department of Corrections;~~

18 ~~(B) An individual between nineteen (19) and twenty-seven~~
 19 ~~(27) years of age who has been previously placed under the supervision of the~~
 20 ~~Division of Children and Family Services; or~~

21 ~~(C) An individual between nineteen (19) and thirty (30)~~
 22 ~~years of age who is a veteran; and~~

23 ~~(4) Any other target populations identified by the Department of~~
 24 ~~Human Services.~~

25 ~~(b)(1) Each community bridge organization shall be administered by a~~
 26 ~~hospital under conditions established by the Department of Human Services.~~

27 ~~(2) A hospital is eligible to serve eligible individuals under~~
 28 ~~subdivision (a)(1) of this section if the hospital:~~

29 ~~(A) Is a birthing hospital;~~

30 ~~(B) Provides or contracts with a qualified entity for the~~
 31 ~~provision of a federally recognized evidence-based home visitation model to a~~
 32 ~~woman during pregnancy and to the woman and child for a period of up to~~
 33 ~~twenty-four (24) months after birth; and~~

34 ~~(C) Meets any additional criteria established by the~~
 35 ~~Department of Human Services.~~

36 ~~(3)(A) A hospital is eligible to serve eligible individuals~~

~~under subdivision (a)(2) of this section if the hospital:~~

~~(i) Is a small rural hospital;~~

~~(ii) Screens all Arkansans who seek services at the hospital for health-related social needs;~~

~~(iii) Refers Arkansans identified as having health-related social needs for social services available in the community;~~

~~(iv) Employs local qualified staff to assist eligible individuals in need of treatment for serious mental illness or substance use disorder in accessing medical treatment from healthcare professionals and supports to meet health-related social needs;~~

~~(v) Enrolls with the Arkansas Medicaid Program as an acute crisis unit provider; and~~

~~(vi) Meets any additional criteria established by the Department of Human Services.~~

~~(B) The hospital may use funding available through the Department of Human Services to improve the hospital's ability to deliver care through coordination with other healthcare professionals and with the local emergency response system that may include training of personnel and improvements in equipment to support the delivery of medical services through telemedicine.~~

~~(4) A hospital is eligible to serve eligible individuals under subdivision (a)(3) of this section if the hospital:~~

~~(A) Is an acute care hospital;~~

~~(B) Administers or contracts for the administration of programs using proven models, as defined by the Department of Human Services, to provide employment, training, education, or other social supports; and~~

~~(C) Meets any additional criteria established by the Department of Human Services.~~

~~(c) An individual is not required or entitled to enroll in a community bridge organization as a condition of Medicaid eligibility.~~

~~(d) A hospital is not:~~

~~(1) Required to apply to become a community bridge organization;~~

~~or~~

~~(2) Entitled to be selected as a community bridge organization.~~

1 ~~Advisory Panel.~~

2 ~~(a) There is created the Health and Economic Outcomes Accountability~~
3 ~~Oversight Advisory Panel.~~

4 ~~(b) The advisory panel shall be composed of the following members:~~

5 ~~(1) The following members of the General Assembly:~~

6 ~~(A) The Chair of the Senate Committee on Public Health,~~
7 ~~Welfare, and Labor;~~

8 ~~(B) The Chair of the House Committee on Public Health,~~
9 ~~Welfare, and Labor;~~

10 ~~(C) The Chair of the Senate Committee on Education;~~

11 ~~(D) The Chair of the House Committee on Education;~~

12 ~~(E) The Chair of the Senate Committee on Insurance and~~
13 ~~Commerce;~~

14 ~~(F) The Chair of the House Committee on Insurance and~~
15 ~~Commerce;~~

16 ~~(G) An at-large member of the Senate appointed by the~~
17 ~~President Pro Tempore of the Senate;~~

18 ~~(H) An at-large member of the House of Representatives~~
19 ~~appointed by the Speaker of the House of Representatives;~~

20 ~~(I) An at-large member of the Senate appointed by the~~
21 ~~minority leader of the Senate; and~~

22 ~~(J) An at-large member of the House of Representatives~~
23 ~~appointed by the minority leader of the House of Representatives;~~

24 ~~(2) The Secretary of the Department of Human Services;~~

25 ~~(3) The Arkansas Surgeon General;~~

26 ~~(4) The Insurance Commissioner;~~

27 ~~(5) The heads of the following executive branch agencies or~~
28 ~~their designees:~~

29 ~~(A) Department of Health;~~

30 ~~(B) Department of Education;~~

31 ~~(C) Department of Corrections;~~

32 ~~(D) Department of Commerce; and~~

33 ~~(E) Department of Finance and Administration;~~

34 ~~(6) The Executive Director of the Arkansas Minority Health~~
35 ~~Commission; and~~

36 ~~(7)(A) Three (3) community members who represent health,~~

1 ~~business, or education, who reflect the broad racial and geographic diversity~~
 2 ~~in the state, and who have demonstrated a commitment to improving the health~~
 3 ~~and welfare of Arkansans, appointed as follows:~~

4 ~~(i) One (1) member shall be appointed by and serve~~
 5 ~~at the will of the Governor;~~

6 ~~(ii) One (1) member shall be appointed by and serve~~
 7 ~~at the will of the President Pro Tempore of the Senate; and~~

8 ~~(iii) One (1) member shall be appointed by and serve~~
 9 ~~at the will of the Speaker of the House of Representatives.~~

10 ~~(B) Members serving under subdivision (b)(7)(A) of this~~
 11 ~~section may receive mileage reimbursement.~~

12 ~~(c)(1) The Secretary of the Department of Human Services and one (1)~~
 13 ~~legislative member shall serve as the cochairs of the Health and Economic~~
 14 ~~Outcomes Accountability Oversight Advisory Panel and shall convene meetings~~
 15 ~~quarterly of the advisory panel.~~

16 ~~(2) The legislative member who serves as the cochair shall be~~
 17 ~~selected by majority vote of all legislative members serving on the advisory~~
 18 ~~panel.~~

19 ~~(d)(1) The advisory panel shall review, make nonbinding~~
 20 ~~recommendations, and provide advice concerning the proposed quality~~
 21 ~~performance targets presented by the Department of Human Services for each~~
 22 ~~participating individual qualified health insurance plan.~~

23 ~~(2) The advisory panel shall deliver all nonbinding~~
 24 ~~recommendations to the Secretary of the Department of Human Services.~~

25 ~~(3)(A) The Secretary of the Department of Human Services, in~~
 26 ~~consultation with the State Medicaid Director, shall determine all quality~~
 27 ~~performance targets for each participating individual qualified health~~
 28 ~~insurance plan.~~

29 ~~(B) The Secretary of the Department of Human Services may~~
 30 ~~consider the nonbinding recommendations of the advisory panel when~~
 31 ~~determining quality performance targets for each participating individual~~
 32 ~~qualified health insurance plan.~~

33 ~~(e) The advisory panel shall review:~~

34 ~~(1) The annual quality assessment and performance improvement~~
 35 ~~strategic plan for each participating individual qualified health insurance~~
 36 ~~plan;~~

1 ~~(2) Financial performance of the Arkansas Health and Opportunity~~
2 ~~for Me Program against the budget neutrality targets in each demonstration~~
3 ~~year;~~

4 ~~(3) Quarterly reports prepared by the Department of Human~~
5 ~~Services, in consultation with the Department of Commerce, on progress~~
6 ~~towards meeting economic independence outcomes and health improvement~~
7 ~~outcomes, including without limitation;~~

8 ~~(A) Community bridge organization outcomes;~~

9 ~~(B) Individual qualified health insurance plan health~~
10 ~~improvement outcomes;~~

11 ~~(C) Economic independence initiative outcomes; and~~

12 ~~(D) Any sanctions or penalties assessed on participating~~
13 ~~individual qualified health insurance plans;~~

14 ~~(4) Quarterly reports prepared by the Department of Human~~
15 ~~Services on the Arkansas Health and Opportunity for Me Program, including~~
16 ~~without limitation;~~

17 ~~(A) Eligibility and enrollment;~~

18 ~~(B) Utilization;~~

19 ~~(C) Premium and cost-sharing reduction costs; and~~

20 ~~(D) Health insurer participation and competition; and~~

21 ~~(5) Any other topics as requested by the Secretary of the~~
22 ~~Department of Human Services.~~

23 ~~(f)(1) The advisory panel may furnish advice, gather information, make~~
24 ~~recommendations, and publish reports.~~

25 ~~(2) However, the advisory panel shall not administer any portion~~
26 ~~of the Arkansas Health and Opportunity for Me Program or set policy.~~

27 ~~(g) The Department of Human Services shall provide administrative~~
28 ~~support necessary for the advisory panel to perform its duties.~~

29 ~~(h) The Department of Human Services shall produce and submit a~~
30 ~~quarterly report incorporating the advisory panel's findings to the President~~
31 ~~Pro Tempore of the Senate, the Speaker of the House of Representatives, and~~
32 ~~the public on the progress in health and economic improvement resulting from~~
33 ~~the Arkansas Health and Opportunity for Me Program, including without~~
34 ~~limitation;~~

35 ~~(1) Eligibility and enrollment;~~

36 ~~(2) Participation in and the impact of the economic independence~~

1 ~~initiative and the health improvement initiative of the eligible individuals,~~
 2 ~~health insurers, and community bridge organizations;~~
 3 ~~(3) Utilization of medical services;~~
 4 ~~(4) Premium and cost sharing reduction costs; and~~
 5 ~~(5) Health insurer participation and completion.~~

6
 7 ~~23-61-1012. Rules.~~

8 ~~The Department of Human Services shall adopt rules necessary to~~
 9 ~~implement this subchapter.~~

10
 11 SECTION 8. Arkansas Code § 26-57-604(a)(1)(B)(ii), concerning the
 12 allowance of a credit to be applied against the insurance premium tax, is
 13 amended to read as follows:

14 (ii) However, the credit shall not be applied as an
 15 offset against the premium tax on collections resulting from an eligible
 16 individual insured under ~~the Arkansas Health and Opportunity for Me Act of~~
 17 ~~2021, § 23-61-1001 et seq.,~~ the Arkansas Health Insurance Marketplace Act, §
 18 23-61-801 et seq., ~~or individual qualified health insurance plans, including~~
 19 ~~without limitation stand-alone dental plans, issued through the health~~
 20 ~~insurance marketplace as defined by § 23-61-1003.~~

21
 22 SECTION 9. Arkansas Code § 26-57-610(b)(2), concerning the disposition
 23 of the insurance premium tax, is amended to read as follows:

24 (2) The taxes based on premiums collected under ~~the Arkansas~~
 25 ~~Health and Opportunity for Me Act of 2021, § 23-61-1001 et seq.,~~ the Arkansas
 26 Health Insurance Marketplace Act, § 23-61-801 et seq., ~~or individual~~
 27 ~~qualified health insurance plans, including without limitation stand-alone~~
 28 ~~dental plans, issued through the health insurance marketplace as defined by §~~
 29 ~~23-61-1003 shall be:~~

30 ~~(A) At~~ at the time of deposit, separately certified by the
 31 commissioner to the Treasurer of State for classification and distribution
 32 under this section; ~~and~~

33 ~~(B) Transferred to the Arkansas Health and Opportunity for~~
 34 ~~Me Program Trust Fund and used as required by the Arkansas Health and~~
 35 ~~Opportunity for Me Program Trust Fund;~~