

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4
5 By: Representative Boyd
6 By: Senator D. Wallace
7

A Bill

HOUSE BILL 1257

For An Act To Be Entitled

9 AN ACT TO AUTHORIZE AND CLARIFY THE METHOD OF
10 RELEASING CLAIMS AND ENROLLMENT DATA BY HEALTH
11 INSURERS THAT PROVIDE HEALTHCARE COVERAGE TO ELIGIBLE
12 INDIVIDUALS IN THE ARKANSAS WORKS PROGRAM; AND FOR
13 OTHER PURPOSES.
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Subtitle

16 TO AUTHORIZE AND CLARIFY THE METHOD OF
17 RELEASING CLAIMS AND ENROLLMENT DATA BY
18 HEALTH INSURERS THAT PROVIDE HEALTHCARE
19 COVERAGE TO ELIGIBLE INDIVIDUALS IN THE
20 ARKANSAS WORKS PROGRAM.
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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26 SECTION 1. Arkansas Code § 23-61-907 is amended to read as follows:
27 23-61-907. Data release.

28 (a) Data in the Arkansas Healthcare Transparency Initiative shall:

29 (1) To the extent authorized by the State Insurance Department,
30 be available:

31 (A) When disclosed in a form and manner that ensures the
32 privacy and security of protected health information as required by state and
33 federal laws, as a resource to insurers, employers, purchasers of health
34 care, researchers, state agencies, and healthcare providers to allow for
35 assessment of healthcare utilization, expenditures, and performance in this
36 state, including without limitation as a resource for hospital community



1 health needs assessments; and

2 (B) To state programs regarding healthcare quality and
 3 costs for use in improving health care in the state, subject to rules
 4 prescribed by the ~~department~~ State Insurance Department conforming to state
 5 and federal privacy laws or limiting access to limited-use data sets; and

6 (2) Not be used to:

7 (A) Disclose trade secrets of submitting entities;

8 (B)(i) Reidentify or attempt to reidentify an individual
 9 who is the subject of any submitted data without obtaining the individual's
 10 consent.

11 (ii) Subdivision (a)(2)(B)(i) of this section does
 12 not apply to the State Insurance Department or the Department of Human
 13 Services; or

14 (C) Create or augment data contained in a national claims
 15 database.

16 (b)(1) Notwithstanding Except as provided in subdivision (b)(2) of
 17 this section and notwithstanding the Health Insurance Portability and
 18 Accountability Act of 1996, Pub. L. No. 104-191, or any other provision of
 19 law, the Arkansas Healthcare Transparency Initiative shall not publicly
 20 disclose any data that contains direct personal identifiers.

21 (2) The Arkansas Healthcare Transparency Initiative may disclose
 22 claims data that contains direct personal identifiers of eligible individual
 23 in the Arkansas Works Program to the State Insurance Department and the
 24 Department of Human Services.

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 26 SECTION 2. Arkansas Code § 23-61-1004(g), concerning the
 27 administration of the Arkansas Works Program, is amended to read as follows:

28 (g)(1) On a quarterly basis, the Department of Human Services, the
 29 State Insurance Department, the Department of Workforce Services, and other
 30 necessary state agencies shall report to the Legislative Council, or to the
 31 Joint Budget Committee if the General Assembly is in session, available
 32 information regarding the overall Arkansas Works Program, including without
 33 limitation:

34 (A) Eligibility and enrollment;

35 (B) Utilization;

36 (C) Premium and cost-sharing reduction costs;

- 1 (D) Health insurer participation and competition;
- 2 (E) Avoided uncompensated care; and
- 3 (F) Participation in job training and job search programs.

4 (2)(A) A health insurer ~~who~~ that is providing an individual
 5 qualified health insurance plan ~~or employer health insurance coverage~~ under
 6 this subchapter for an eligible individual shall submit quarterly claims and
 7 enrollment data to the State Insurance Department and the Department of Human
 8 Services to facilitate reporting required under this subchapter or other
 9 state or federally required reporting or evaluation activities.

10 (B) A When submitting claims and enrollment data to the
 11 State Insurance Department, a health insurer may utilize existing mechanisms
 12 with supplemental enrollment information to fulfill requirements under this
 13 subchapter, including without limitation the state’s all-payer claims
 14 database established under the Arkansas Healthcare Transparency Initiative
 15 Act of 2015, § 23-61-901 et seq., for claims and enrollment data submission.

16 (C) When submitting claims and enrollment data to the
 17 Department of Human Services, a health insurer shall submit the information
 18 electronically in a format determined by the Department of Human Services.

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