

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

A Bill

HOUSE BILL 1600

5 By: Representative Hyde
6

For An Act To Be Entitled

8 AN ACT TO PROVIDE HEALTH INSURANCE FOR INDIVIDUALS
9 UNDER NINETEEN YEARS OF AGE; AND FOR OTHER PURPOSES.
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Subtitle

11 TO PROVIDE HEALTH INSURANCE FOR
12 INDIVIDUALS UNDER NINETEEN YEARS OF AGE.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 SECTION 1. TEMPORARY LANGUAGE. DO NOT CODIFY.

20 Health insurance for individuals under nineteen years of age.

21 (a) As used in this act:

22 (1)(A) "Child-only plan" means renewable individual health
23 insurance for a qualified individual other than excepted benefits as defined
24 in § 23-86-310.

25 (B) "Child-only plan" does not include dependent health
26 insurance for a qualified individual under another person's health insurance;

27 (2)(A) "Health insurance" means any hospital and medical
28 expense-incurred policy, certificate, or contract provided by an insurer,
29 hospital or medical service corporation, health maintenance organization, or
30 any other health care plan or arrangement that pays for or furnishes medical
31 or health care services whether by insurance or otherwise and includes any
32 excess or stop-loss coverage.

33 (B) "Health insurance" does not include long-term care,
34 disability income, short-term, accident, dental-only, vision-only, fixed
35 indemnity, limited-benefit, or credit insurance, coverage issued as a
36 supplement to liability insurance, insurance arising out of workers'



1 compensation or similar law, automobile medical-payment insurance, or
2 insurance under which benefits are payable with or without regard to fault
3 and that is statutorily required to be contained in any liability insurance
4 policy or equivalent self-insurance;

5 (3) "Individual health insurance" means health insurance offered
6 to individuals in the individual market but does not include short-term
7 limited duration insurance;

8 (4)(A) "Insurer" means any entity that provides health
9 insurance, including excess or stop-loss health insurance, in the State of
10 Arkansas.

11 (B) "Insurer" includes an insurance company, medical
12 services plans, hospital plans, hospital medical service corporations, health
13 maintenance organizations, fraternal benefits society, or any other entity
14 providing a plan of health insurance or health benefits subject to state
15 insurance regulation;

16 (5) "Open enrollment period" means October 1 through October 31
17 annually, beginning October 1, 2011;

18 (6) "Qualifying event" means the loss of employer-sponsored
19 health insurance or the involuntary loss of other existing health insurance
20 for any reason other than fraud, misrepresentation, or failure to pay a
21 premium if the applicant is a qualified individual when the qualifying event
22 occurs; and

23 (7) "Qualified individual" means a resident of this state under
24 nineteen (19) years of age.

25 (b) During the open enrollment period and within thirty (30) days of a
26 qualifying event, an insurer shall accept and grant an application to insure
27 a qualified individual for a child-only plan on a guaranteed-issue basis
28 without any limitations or exclusions of policy benefits based upon the
29 applicant's health status.

30 (c)(1) Until the end of the initial open enrollment period, the
31 Arkansas Comprehensive Health Insurance Pool shall provide health insurance
32 to qualified individuals under policies and procedures established by the
33 Board of Directors of the Arkansas Comprehensive Health Insurance Pool.

34 (2) At the end of the initial open enrollment period, the
35 eligibility of a qualified individual for health insurance under the Arkansas
36 Comprehensive Health Insurance Pool is determined under § 23-79-509.

1 (d) The Insurance Commissioner shall adopt rules to implement and
2 administer this act.

3 (e) This act and the rules adopted by the commissioner to administer
4 this act expire on January 1, 2014.

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6 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
7 General Assembly of the State of Arkansas that recent changes in federal law
8 prohibit health insurers from imposing preexisting-condition exclusions on
9 individuals under nineteen (19) years of age; that there exists a limited
10 market in this state of health insurers voluntarily offering individual
11 health insurance policies to individuals under nineteen (19) years of age;
12 that children with preexisting conditions may be unable to obtain any health
13 insurance coverage; and that this act is immediately necessary because the
14 lack of health insurance coverage results in the children of this state
15 receiving inadequate medical care, foregoing wellness treatment and medical
16 procedures, and experiencing declining health, with potentially devastating
17 consequences to the future health and welfare of our state. Therefore, an
18 emergency is declared to exist, and this act being immediately necessary for
19 the preservation of the public peace, health, and safety shall become
20 effective on:

21 (1) The date of its approval by the Governor;

22 (2) If the bill is neither approved nor vetoed by the Governor,
23 the expiration of the period of time during which the Governor may veto the
24 bill; or

25 (3) If the bill is vetoed by the Governor and the veto is
26 overridden, the date the last house overrides the veto.

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