

1 INTERIM STUDY PROPOSAL 2015-091

2 State of Arkansas  
3 90th General Assembly  
4 Regular Session, 2015

*As Engrossed: S3/17/15*

# A Bill

SENATE BILL 828

5  
6 By: Senators D. Sanders, *J. Hendren, Rapert*

7 *By: Representative Collins*

8 Filed with: Senate Committee on Insurance and Commerce  
9 pursuant to A.C.A. §10-3-217.

## For An Act To Be Entitled

11 AN ACT TO AUTHORIZE THE INSURANCE COMMISSIONER, THE  
12 DEPARTMENT OF FINANCE AND ADMINISTRATION, THE  
13 DEPARTMENT OF HUMAN SERVICES, AND THE ARKANSAS HEALTH  
14 INSURANCE MARKETPLACE TO SEEK FEDERAL WAIVERS TO  
15 FACILITATE INNOVATIVE APPROACHES TO HEALTH INSURANCE  
16 COVERAGE AND HEALTH *CARE*; TO DECLARE AN EMERGENCY;  
17 AND FOR OTHER PURPOSES.

## Subtitle

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20  
21 TO CREATE THE ARKANSAS HEALTH INSURANCE  
22 INNOVATION ACT OF 2015; AND TO DECLARE AN  
23 EMERGENCY.

24  
25  
26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

27  
28 WHEREAS, the General Assembly is obligated to pursue appropriate means  
29 to protect Arkansas citizens, employers, and healthcare providers from the  
30 challenges and obstacles created by federal healthcare legislation; and

31  
32 WHEREAS, state-based solutions to health insurance coverage and  
33 healthcare needs are inherently more efficient, more effective, and less  
34 costly than federal mandates; and

35  
36 WHEREAS, under 31 C.F.R. Subtitle A, Part 33, federal Waivers for State

1 *Innovation, commonly referred to as "Section 1332 Waivers",* are authorized to  
2 permit a state to waive provisions of federal laws relating to the provision  
3 of healthcare items or services; and  
4

5 WHEREAS, under 31 C.F.R. § 33.108, applications for Waivers for State  
6 Innovation are to be submitted to and reviewed by the United States Secretary  
7 of the Treasury and the United States Secretary of Health and Human Services;  
8 and  
9

10 WHEREAS, under 31 C.F.R. § 33.108, as an initial criterion for an  
11 application for Waivers for State Innovation, evidence of state legislation  
12 that provides the state with authority to implement the proposed waiver is  
13 required; and  
14

15 WHEREAS, existing state legislation may be insufficient in providing  
16 the authority to permit an application under 31 C.F.R. § 33.108,  
17

18 NOW THEREFORE,

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
20

21 SECTION 1. Arkansas Code Title 23, Chapter 61, is amended to add a  
22 additional subchapter to read as follows:

23 Subchapter 9 – Arkansas Health Insurance Innovation Act of 2015  
24

25 23-61-901. Title.

26 This subchapter shall be known and may be cited as the “Arkansas Health  
27 Insurance Innovation Act of 2015”.  
28

29 23-61-902. Purpose.

30 The purpose of this subchapter is to encourage the executive and  
31 legislative branches to explore, develop, and facilitate innovative  
32 approaches to improving access to, affordability, and quality of  
33 comprehensive health insurance coverage and health care.  
34

35 23-61-903. Waiver authority.

36 The Governor is authorized to:

1           (1) Submit and apply for federal waivers under:

2                   (A) 42 U.S.C. § 1315, § 1396n, and § 18052;

3                   (B) 31 C.F.R. Subtitle A, Part 33; and

4                   (C) 45 C.F.R. Subtitle A, Part 155, Subpart N; and

5           (2) Submit and apply for federal waivers necessary to effectuate  
6 the purposes of this subchapter.

7                   ((b) Any waiver submitted under this section shall have  
8 legislative approval under this section.

9  
10           23-61-904. Rules.

11           (a) The Insurance Commissioner may promulgate rules to implement this  
12 subchapter and any federal waivers sought in furtherance of this subchapter.

13           (b) The Department of Finance and Administration may promulgate rules  
14 to implement this subchapter and any federal waivers sought in furtherance of  
15 this subchapter, including without limitation rules pertaining to the  
16 calculation, assessment, or collection of state taxes.

17           (c) The Department of Human Services may promulgate rules to implement  
18 this subchapter and any federal waivers sought in furtherance of this  
19 subchapter, including without limitation any required state plan amendments  
20 to the Medicaid program, any waivers or other approvals required from the  
21 Centers for Medicare and Medicaid Services, and any other rules pertaining to  
22 the Medicaid program.

23           (d)(1) The Arkansas Health Insurance Marketplace may promulgate rules  
24 to implement this subchapter and any federal waivers sought in furtherance of  
25 this subchapter, including without limitation rules pertaining to the  
26 Arkansas Health Insurance Marketplace.

27           (2) Rules adopted by the Arkansas Health Insurance Marketplace  
28 under subdivision (d)(1) of this section:

29                   (A) Are exempt from the Arkansas Administrative Procedure  
30 Act, § 25-15-201 et seq.; and

31                   (B) Shall be adopted in compliance with the procedures of  
32 § 23-61-803.

33           (e)(1) Joint waiver applications shall have rules submitted as  
34 authorized by the entities listed in § 23-61-904(a)-(d) that have been  
35 selected for the joint waiver application.

