Hugh McDonald
SECRETARY OF COMMERCE

Alan McClain
COMMISSIONER,
ARKANSAS INSURANCE
DEPARTMENT

February 27, 2024

Ms. Rebecca Miller-Rice, Administrator
Administrative Rules Review Section
Bureau of Legislative Research
One Capitol Mall, 5th Floor
Little Rock, Arkansas 72201

VIA EMAIL TO: miller-ricer@blr.arkansas.gov

RE: Arkansas Insurance Department
Act 595 Monthly Update on Rulemaking Progress

Dear Ms. Miller-Rice,

Pursuant to Ark. Code Ann. § 25-15-216(b)(4), the Arkansas Insurance Department submits this written update on the progress of rules determined to be required under laws enacted in the 2023 legislative session. A summary of the Department's progress is in the attached chart.

Please let me know if you have any questions or I can offer additional assistance.

Sincerely,

Amanda Gibson
Managing Attorney
Arkansas Insurance Department
amanda.gibson@arkansas.gov
501-371-2836

ARKANSAS INSURANCE DEPARTMENT
Act 595 Monthly Status Report

I. The following Acts from the 2023 legislative session require rulemaking and were included in the *Report on the Acts of the 2023 Regular Session Requiring New Rulemaking.* The Arkansas Insurance Department ("AID") will be taking the following rulemaking actions for these Acts:

Act	Rule Name	Rule Number	Summary of Law & Status	Action
Act 580	Establishment of Audit Processes Concerning Qualified Payment Amounts for No Surprises Act	69	This Rule is issued pursuant to the authority granted the Arkansas Insurance Commissioner ("Commissioner") under Ark. Code Ann. § 23-61-108(a)(1) and by Ark. Code Ann. § 23-61-108(b)(1) to promulgate rules necessary for the effective regulation of the business of insurance and as required for this State to be in compliance with federal laws, namely the No Surprises Act (NSA) of the Consolidated Appropriations Act, 2021, Pub. L. No. 116-120, and Act 580 of 2023, codified as A.C.A. §23-66-216. The Rule established an audit process as required by Act 580 of 2023, as codified at A.C.A. sec. 23-66-216. **Status:** Rule became effective on January 15, 2024.	Adopt New Rule
Act 876	Authorization of Off-Label Use of Drug Treatments for Pediatric Acute-Onset and Autoimmune Neuropsychiatric Syndrome	127	Act 876 of 2023 amended Ark. Code Ann. §23-79-1905 to broaden and clarify coverage for drug treatments for pediatric acute-onset neuropsychiatric syndrome ("PANS"), and pediatric autoimmune neuropsychiatric disorders associated with streptococcal infection ('PANDAS") and requires Insurance Department to promulgate a rule to this effect, including the establishment of treatment protocols for these conditions. **Status:** Rule became effective on November 3, 2023.	Amend Rule

II. The following Act from the 2023 legislative session requires rulemaking and was **not** included in the *Report on the Acts of the 2023 Regular Session Requiring New Rulemaking. However,* AID believes rulemaking is needed for the operation of the laws and will be taking the following rulemaking actions for this Act:

Act 302	Pharmacy Benefits Manager Regulation	118	This existing rule will be amended to clarify that it applies to healthcare benefit plans that service Arkansas residents, regardless of where the payor is located, and to include new statutory penalties. **Status:** Awaiting Governor's Office approval.	Amend Rule