



Hugh McDonald  
SECRETARY OF COMMERCE

Jimmy Harris  
COMMISSIONER,  
ARKANSAS INSURANCE  
DEPARTMENT

September 29, 2025

Senator Tyler Dees, Co-Chair  
Representative Matthew Shepherd, Co-Chair  
Administrative Rules Subcommittee  
Arkansas Legislative Council  
Via Rebecca Miller-Rice [miller.ricer@blr.arkansas.gov](mailto:miller.ricer@blr.arkansas.gov)

Re: State Insurance Department Arkansas Code § 25-15-216(c) Request to be Excluded from Promulgating Rules for Act 348 of 2025, An Act to Mandate Coverage for Acquired Brain Injury.

Dear Senator Dees and Representative Shepherd;

Pursuant to Arkansas Code § 25-15-216(c), the State Insurance Department respectfully requests that it be excluded from the requirements of Arkansas Code § 25-15-216(b)(3)-(5), because it believes that promulgation of a rule to implement Act 348 of 2025 is unnecessary.

Act 348 requires a health insurance plan to provide coverage for medically necessary treatment related to an acquired brain injury. Section One of the Act, Arkansas Code § 23-79-2902(d), requires the Commissioner to promulgate rules to create a process to permit an expedited appeal of an adverse determination by a healthcare insurer for medically necessary treatment.

The Department has an existing process available for expedited appeals through its Arkansas External Review Rule at 23 CAR § 117-108. Under the External Review Rule, an independent review organization issues a determination in seventy-two hours or less.

The Department believes that this process ably permits expedited appeals related to acquired brain injury. The Department requests that the Administrative Rules Subcommittee and Arkansas Legislative Council determine that rulemaking is unnecessary and excuse the Department from having to promulgate a rule for Act 348 of 2025.

Sincerely,

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Arkansas Insurance Department  
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