



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

Re: State Insurance Department Arkansas Code § 25-15-216(c) Request to be Excluded from Promulgating Rules for Act 628 of 2025, To Mandate Coverage for Severe Obesity Treatments.

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 628 of 2025 is unnecessary.

Act 628 mandates a health benefit plan cover medically necessary expenses for the treatment of diseases and conditions caused by severe obesity. The Act defines severe obesity to include a body mass index equal to or greater than forty kilograms per meter squared (40 kg/m²) or thirty-five kilograms per meter squared (35 kg/m²) with an associated comorbidity. The Act recognizes four comorbidities associated with obesity: hypertension, cardiopulmonary conditions, sleep apnea, and diabetes.

Section Two of the Act, Arkansas Code § 23-79-2905(a), provides the Insurance Commissioner with authority to designate additional preoperative conditions that qualify as associated comorbidities for coverage requirements. The Department contacted the American Society for Metabolic and Bariatric Surgery, cited by the Act as a nationally recognized body, to learn if there are any other associated comorbidities outside of the ones identified in Act 628 that would warrant rulemaking and has received no response. The Department is unaware of any additional preoperative conditions that qualify as associated comorbidities for coverage requirements.

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 628 of 2025 rulemaking until additional comorbidities associated with obesity are identified.

Sincerely,

A handwritten signature in blue ink that reads "Crystal Phelps". The script is cursive and fluid, with the first name "Crystal" and last name "Phelps" written in a single continuous line.

Crystal Phelps
Managing Attorney
Arkansas Insurance Department