



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 860 of 2025, Mandating Coverage for Genetic Testing for an Inherited Gene Mutation for Certain Individuals, and to Mandate Coverage for Evidence-Based Cancer Imaging for Certain Individuals.

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 860 of 2025 is unnecessary.

Act 860 requires a health benefit plan to offer coverage for genetic testing for an inherited gene mutation to an individual with a personal or family history of cancer if testing provides clinical utility, is recommended by a healthcare provider, and is supported by medical and scientific evidence. It also requires a health benefit plan to provide coverage for evidence-based cancer imaging for an individual at an increased risk of developing cancer if the imaging provides clinical utility and is recommended by a healthcare provider. Section One of the Act, Arkansas Code § 23-79-2903, requires the Department to promulgate rules for implementation. The Department is unaware of any additional clarity that it could offer through rulemaking.

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 860 of 2025.

Sincerely,

Crystal Phelps
Managing Attorney
Arkansas Insurance Department