

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4
5 By: Senator D. Sanders
6

A Bill

SENATE BILL 828

For An Act To Be Entitled

8 AN ACT TO AUTHORIZE THE INSURANCE COMMISSIONER, THE
9 DEPARTMENT OF FINANCE AND ADMINISTRATION, THE
10 DEPARTMENT OF HUMAN SERVICES, AND THE ARKANSAS HEALTH
11 INSURANCE MARKETPLACE TO SEEK FEDERAL WAIVERS TO
12 FACILITATE INNOVATIVE APPROACHES TO HEALTH INSURANCE
13 COVERAGE AND HEALTH CARE; TO CREATE THE ARKANSAS
14 HEALTH INSURANCE INNOVATION LEGISLATIVE STEERING
15 COMMITTEE; TO DECLARE AN EMERGENCY; AND FOR OTHER
16 PURPOSES.

Subtitle

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19 TO CREATE THE ARKANSAS HEALTH INSURANCE
20 INNOVATION ACT OF 2015; AND TO DECLARE AN
21 EMERGENCY.
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24 WHEREAS, the General Assembly is obligated to pursue appropriate means
25 to protect Arkansas citizens, employers, and healthcare providers from the
26 challenges and obstacles created by federal healthcare legislation; and
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28 WHEREAS, state-based solutions to health insurance coverage and
29 healthcare needs are inherently more efficient, more effective, and less
30 costly than federal mandates; and
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32 WHEREAS, under 31 C.F.R. Subtitle A, Part 33, federal Waivers for State
33 Innovation are authorized to permit a state to waive provisions of federal
34 laws relating to the provision of healthcare items or services; and
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36 WHEREAS, under 31 C.F.R. § 33.108, applications for Waivers for State



1 Innovation are to be submitted to and reviewed by the United States Secretary
2 of the Treasury and the United States Secretary of Health and Human Services;
3 and
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5 WHEREAS, under 31 C.F.R. § 33.108, as an initial criterion for an
6 application for Waivers for State Innovation, evidence of state legislation
7 that provides the state with authority to implement the proposed waiver is
8 required; and
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10 WHEREAS, existing state legislation may be insufficient in providing
11 the authority to permit an application under 31 C.F.R. § 33.108,
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13 NOW THEREFORE,

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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16 SECTION 1. Arkansas Code Title 23, Chapter 61, is amended to add a
17 additional subchapter to read as follows:

18 Subchapter 9 – Arkansas Health Insurance Innovation Act of 2015
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20 23-61-901. Title.

21 This subchapter shall be known and may be cited as the “Arkansas Health
22 Insurance Innovation Act of 2015”.
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24 23-61-902. Purpose.

25 The purpose of this subchapter is to explore, develop, and facilitate
26 innovative approaches to improving access to, affordability, and quality of
27 comprehensive health insurance coverage and health care, including without
28 limitation waiver opportunities under federal law.
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30 23-61-903. Waiver authority.

31 (a) The Insurance Commissioner, Department of Finance and
32 Administration, Department of Human Services, and Arkansas Health Insurance
33 Marketplace are jointly and severally authorized to:

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

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

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

1 (C) 45 C.F.R. Subtitle A, Part 1555;

2 (2) Submit and apply for any other federal waivers necessary to
3 effectuate the purposes of this subchapter; and

4 (3) Take any other action authorized by law to submit, apply
5 for, and implement a waiver authorized under this subchapter.

6 (b) This subchapter does not limit, repeal, or otherwise modify any
7 authority under other law for the agencies named in this section to submit
8 and apply for any federal waiver.

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) In the event of a conflict between rules promulgated under this
34 subchapter by different entities, priority shall be given to any rule that
35 has been approved or formally reviewed by the Centers for Medicare and
36 Medicaid Services or other federal agency.

1 (f) Rules promulgated under this section shall not conflict with or
 2 prevent the application of regulations promulgated by the Secretary of Health
 3 and Human Services, the Secretary of the Treasury, or the Commissioner of the
 4 Internal Revenue under federal law.

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 6 SECTION 2. Arkansas Code Title 10, Chapter 3, is amended to add an
 7 additional subchapter to read as follows:

8 Subchapter 28 – Arkansas Health Insurance Innovation Legislative
 9 Steering Committee

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 11 10-3-2801. Arkansas Health Insurance Innovation Legislative Steering
 12 Committee – Creation – Membership – Duties.

13 (a) There is created a legislative committee to be known as the
 14 "Arkansas Health Insurance Innovation Legislative Steering Committee".

15 (b) The Arkansas Health Insurance Innovation Legislative Steering
 16 Committee shall consist of the following eight (8) members:

17 (1) The Chair of the Senate Committee on Insurance and Commerce;

18 (2) The Chair of the House Committee on Insurance and Commerce;

19 (3) The Senate Cochair of the Arkansas Health Insurance
 20 Marketplace Legislative Oversight Committee;

21 (4) The House Cochair of the Arkansas Health Insurance
 22 Marketplace Legislative Oversight Committee;

23 (5) The Chair of the Senate Committee on Public Health, Welfare,
 24 and Labor;

25 (6) The Chair of the House Committee on Public Health, Welfare,
 26 and Labor;

27 (7) The Chair of the Senate Committee on Revenue and Taxation;
 28 and

29 (8) The Chair of the House Committee on Revenue and Taxation.

30 (c) Members of the Arkansas Health Insurance Innovation Legislative
 31 Steering Committee shall be paid per diem and mileage as authorized by law
 32 for attendance at meetings of interim committees of the General Assembly.

33 (d) The Chair of the Senate Committee on Insurance and Commerce shall
 34 call the meetings of the Arkansas Health Insurance Innovation Legislative
 35 Steering Committee.

36 (e) The Bureau of Legislative Research shall provide staff for the

1 Arkansas Health Insurance Innovation Legislative Steering Committee.

2 (f) The Arkansas Health Insurance Innovation Legislative Steering
3 Committee shall facilitate the purposes of the Arkansas Health Insurance
4 Innovation Act of 2015, § 23-61-901 et seq., by:

5 (1) Coordinating efforts through the General Assembly's existing
6 standing and select committees to conduct legislative review and oversight of
7 the federal waivers authorized in the Arkansas Health Insurance Innovation
8 Act of 2015, § 23-61-901 et seq.;

9 (2) Identifying and allocating the roles and responsibilities
10 most appropriate for the General Assembly's existing standing and select
11 committees for the effective and efficient development and implementation of
12 the federal waivers authorized in the Arkansas Health Insurance Innovation
13 Act of 2015, § 23-61-901 et seq.;

14 (3) Advising, consulting, and coordinating with legislators,
15 state and federal agencies, state and federal officials, and other policy-
16 making entities;

17 (4) Identifying and allocating the roles and responsibilities
18 most appropriate for the Insurance Commissioner, Department of Finance and
19 Administration, Department of Human Services, and Arkansas Health Insurance
20 Marketplace for the effective and efficient development and implementation of
21 the federal waivers authorized in the Arkansas Health Insurance Innovation
22 Act of 2015, § 23-61-901 et seq.;

23 (5) Facilitating coordination of efforts among the named
24 entities and among other state agencies, including the identification of
25 available resources and necessary vendors; and

26 (6) Collaborating with insurance carriers, healthcare providers,
27 self-insured employers, small businesses, consumers, and other interested
28 individuals in the development and implementation of the federal waivers
29 authorized in the Arkansas Health Insurance Innovation Act of 2015, § 23-61-
30 901 et seq..

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32 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the General
33 Assembly of the State of Arkansas that federal law sets specific timeframes
34 and deadlines for the submission of federal waiver requests under 31 C.F.R.
35 Subtitle A, Part 33; that prompt and immediate action is necessary to take
36 full advantage of opportunities for innovation under federal law; that

1 ensuring an efficient and effective process for development of a waiver will
2 promote innovation and optimize the use of taxpayer dollars; and that this
3 act is immediately necessary to initiate reforms of the state's health
4 insurance market and healthcare system. Therefore, an emergency is declared
5 to exist, and this act being immediately necessary for the preservation of
6 the public peace, health, and safety shall become effective on:

7 (1) The date of its approval by the Governor;

8 (2) If the bill is neither approved nor vetoed by the Governor,
9 the expiration of the period of time during which the Governor may veto the
10 bill; or

11 (3) If the bill is vetoed by the Governor and the veto is
12 overridden, the date the last house overrides the veto.

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