

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

A Bill

SENATE BILL 683

5 By: Senator D. Sanders
6

For An Act To Be Entitled

8 AN ACT TO AMEND THE ARKANSAS HEALTHCARE TRANSPARENCY
9 INITIATIVE ACT OF 2015; AND FOR OTHER PURPOSES.
10

Subtitle

11 TO AMEND THE ARKANSAS HEALTHCARE
12 TRANSPARENCY INITIATIVE ACT OF 2015.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 SECTION 1. Arkansas Code § 19-5-1145(c), concerning the Arkansas
20 Healthcare Transparency Initiative Fund, is amended to read as follows:

21 (c) The following moneys shall be paid into the fund:

22 (1) Penalties imposed on submitting entities pursuant to the
23 Arkansas Healthcare Transparency Initiative Act of 2015, § 23-61-901 et seq.,
24 and rules promulgated under the Arkansas Healthcare Transparency Initiative
25 Act of 2015, § 23-61-901 et seq.;

26 ~~(2) Funds received from the federal government;~~

27 ~~(3)~~(2) Appropriations from the General Assembly; and

28 ~~(4)~~(3) All other payments, gifts, grants, bequests, or income
29 from any source subscription fees or payments made by third parties to the
30 State Insurance Department for data access.
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32 SECTION 2. Arkansas Code § 23-61-902(a), concerning the legislative
33 intent and purpose for the Arkansas Healthcare Transparency Initiative, is
34 amended to read as follows:

35 (a) It is the intent of the General Assembly to create and maintain an
36 informative source of healthcare information to support consumers,



1 researchers, and policymakers in healthcare decisions within the state,
 2 including decisions by the State Insurance Department to regulate the
 3 business of insurance in this state.
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5 SECTION 3. Arkansas Code § 23-61-903(9), concerning definitions for
 6 the Arkansas Healthcare Transparency Initiative, is amended to read as
 7 follows:

8 (9)(A) "Submitting entity" means:

9 (i) An entity that provides health or dental
 10 insurance or a health or dental benefit plan in the state, including without
 11 limitation an insurance company, medical services plan, managed care
 12 organization, hospital plan, hospital medical service corporation, health
 13 maintenance organization, or fraternal benefit society, provided that the
 14 entity has covered individuals and the entity had at least two thousand
 15 (2,000) covered individuals in the previous calendar year;

16 (ii) A health benefit plan offered or administered
 17 by or on behalf of the state or an agency or instrumentality of the state,
 18 including benefits administered by a managed care organization whether or not
 19 the managed care organization had at least two thousand (2,000) covered
 20 individuals in the previous year;

21 (iii) A health benefit plan offered or administered
 22 by or on behalf of the federal government with the agreement of the federal
 23 government;

24 (iv) The Workers' Compensation Commission;

25 (v) Any other entity providing a plan of health
 26 insurance or health benefits subject to state insurance regulation, a third-
 27 party administrator, or a pharmacy benefits manager, provided that the entity
 28 has covered individuals and the entity had at least two thousand (2,000)
 29 covered individuals in the previous calendar year;

30 (vi) A health benefit plan subject to the Employee
 31 Retirement Income Security Act of 1974, Pub. L. No. 93-406, ~~as permitted by~~
 32 ~~federal law, provided that the health benefit plan does not include an~~
 33 ~~employee welfare benefit plan, as defined by federal law, as amended from~~
 34 ~~time to time, that is also a trust established pursuant to collective~~
 35 ~~bargaining subject to the Labor Management Relations Act of 1947, 29 U.S.C.~~
 36 ~~§§ 401—531 that is fully insured; and~~

1 (vii) An entity that contracts with institutions of
2 the Department of Correction or Department of Community Correction to provide
3 medical, dental, or pharmaceutical care to inmates; and

4 (viii) Risk-based provider organizations certified
5 by the State Insurance Department.

6 (B) "Submitting entity" does not include:

7 (i) an An entity that provides health insurance or a
8 health benefit plan that is accident-only, specified disease, hospital
9 indemnity, long-term care, disability income, or other supplemental benefit
10 coverage; ~~and~~

11 (ii) An employee welfare benefit plan, as defined by
12 federal law as it existed on January 1, 2107, that is also a trust
13 established pursuant to collective bargaining subject to the Labor Management
14 Relations Act of 1947, 29 U.S.C. §§ 401 – 531; or

15 (iii) A health benefit plan subject to the Employee
16 Retirement Income Security Act of 1974, Pub. L. No. 93-406, that is self-
17 funded.

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19 SECTION 4. Arkansas Code § 23-61-905(a)(1), concerning the membership
20 of the Arkansas Healthcare Transparency Initiative Board, is amended to read
21 as follows:

22 (a)(1) There is created the Arkansas Healthcare Transparency
23 Initiative Board, which shall be composed of the following members:

24 (A) A representative of the Department of Human Services;

25 (B) A representative of the Department of Health;

26 (C) A representative of the Office of Health Information
27 Technology or its successor entity as provided by state law;

28 (D) The Surgeon General; and

29 (E) Nine (9) members appointed by the Governor as follows:

30 (i) Two (2) representatives from the health
31 insurance industry, one (1) of whom shall be a multistate representative and
32 one (1) of whom shall be a domestic representative;

33 (ii) Two (2) representatives from the healthcare
34 provider community;

35 (iii) A representative from a self-insured employer;

36 (iv) A representative from an employer of fewer than

1 one hundred (100) full-time employees that provides healthcare coverage to
2 employees through a fully-insured product;

3 (v) A representative from a healthcare consumer
4 organization;

5 (vi) A representative from the academic research
6 community with expertise in healthcare claims data analysis; ~~and~~

7 (vii) A representative with expertise in health data
8 privacy and security; and

9 (F) A representative from the Arkansas Biosciences
10 Institute, who shall serve ex officio.

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