

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas  
2 92nd General Assembly  
3 Regular Session, 2019  
4

As Engrossed: H3/28/19

# A Bill

HOUSE BILL 1835

5 By: Representative Dotson  
6 By: Senator B. Ballinger  
7

## For An Act To Be Entitled

9 AN ACT TO PLACE RESTRICTIONS ON THE STATE INSURANCE  
10 DEPARTMENT WHEN OPERATING THE ARKANSAS HEALTH  
11 INSURANCE MARKETPLACE; TO AMEND THE PROHIBITED  
12 ACTIVITIES FOR NAVIGATORS, GUIDES, AND CERTIFIED  
13 APPLICATION COUNSELORS; AND FOR OTHER PURPOSES.  
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## Subtitle

17 TO PLACE RESTRICTIONS ON THE STATE  
18 INSURANCE DEPARTMENT WHEN OPERATING THE  
19 ARKANSAS HEALTH INSURANCE MARKETPLACE;  
20 AND TO AMEND THE PROHIBITED ACTIVITIES  
21 FOR NAVIGATORS, GUIDES, AND CERTIFIED  
22 APPLICATION COUNSELORS.  
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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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27 SECTION 1. Arkansas Code Title 23, Chapter 61, Subchapter 8, is  
28 amended to add an additional section to read as follows:

29 23-61-809. Restrictions on State Insurance Department.

30 The State Insurance Department shall not:

31 (1) Apply for or accept any funds, including without limitation  
32 federal funds, for the purpose of advertisement, promotion, or other  
33 activities designed to promote or encourage enrollment in the Arkansas Health  
34 Insurance Marketplace;

35 (2) Utilize more than one (1) navigator entity to fulfill any  
36 requirements to operate a marketplace;



1           (3) Utilize a guide, certified application counselor, or  
2 certified licensed producer under the Arkansas Health Insurance Marketplace  
3 Navigator, Guide, and Certified Application Counselors Act, § 23-64-601 et  
4 seq.; or

5           (4) Contract with another state agency or political subdivision  
6 to perform any prohibited practice under this section, § 23-64-610(a), or any  
7 other law relating to the Arkansas Health Insurance Marketplace.

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9           SECTION 2. Arkansas Code § 23-64-602, concerning definitions within  
10 the Arkansas Health Insurance Marketplace Navigator, Guide, and Certified  
11 Application Counselors Act, is amended to add an additional subdivision to  
12 read as follows:

13           (18)(A) "Gift" means a gift item, gift card, cash card, cash, or  
14 promotional item that markets or promotes the products or services of a third  
15 party.

16           (B) "Gift" does not include the reimbursement of  
17 legitimate expenses incurred by a consumer in an effort to receive  
18 application assistance, such as travel or postage expenses.

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20           SECTION 3. Arkansas Code § 23-64-610(a), concerning prohibited  
21 activities of a licensee under the Arkansas Health Insurance Marketplace  
22 Navigator, Guide, and Certified Application Counselors Act, is amended to  
23 read as follows:

24           (a) Except for a certified licensed producer, a licensee shall not:

25                   (1) Receive compensation directly or indirectly from any health  
26 insurer;

27                   (2) Engage in an activity that requires licensing as a  
28 residential insurance producer under the Producer Licensing Model Act, § 23-  
29 64-501 et seq.; ~~or~~

30                   (3) Recommend a particular plan or advise consumers about which  
31 plan to choose;

32                   (4) Charge any applicant or enrollee, or request or receive any  
33 form of remuneration from or on behalf of an applicant or enrollee, for  
34 application or other assistance related to licensee duties;

35                   (5) Provide to an applicant or potential enrollee a gift of any  
36 value as an inducement to enroll in the Arkansas Works Program, the Arkansas

1 Health Insurance Marketplace, or any other health benefit plan;

2 (6) Use Arkansas Health Insurance Marketplace funds to purchase  
3 a gift with the intent to give the gift to an applicant or potential  
4 enrollee;

5 (7) Solicit any consumer for application or enrollment  
6 assistance by going door-to-door or through other means of direct contact,  
7 including calling a consumer to provide application or enrollment assistance  
8 without the consumer initiating the contact, unless the licensee has a pre-  
9 existing relationship with the consumer and complies with other applicable  
10 state and federal laws; or

11 (8) Initiate a telephone call to a consumer using an automatic  
12 telephone dialing system or an artificial or prerecorded voice technology,  
13 except in cases in which the licensee has a relationship with the consumer  
14 and complies with other applicable state and federal laws.

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