

Stricken language would be deleted from and underlined language would be added to present law.  
Act 979 of the Regular Session

State of Arkansas  
91st General Assembly  
Regular Session, 2017

As Engrossed: S3/21/17  
**A Bill**

SENATE BILL 566

By: Senator D. Sanders

### For An Act To Be Entitled

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

### Subtitle

TO AMEND THE ARKANSAS HEALTHCARE  
TRANSPARENCY INITIATIVE ACT OF 2015; AND  
TO AMEND THE ARKANSAS HEALTHCARE  
TRANSPARENCY INITIATIVE FUND.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 19-5-1145(c), concerning the Arkansas  
Healthcare Transparency Initiative Fund, is amended to read as follows:

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

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

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

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

~~(4)~~ (3) All other payments, gifts, grants, bequests, or income  
from any source subscription fees or payments made by third parties to the  
State Insurance Department for data access.

SECTION 2. Arkansas Code § 23-61-902(a), concerning the legislative



intent of the Arkansas Healthcare Transparency Initiative Act of 2015, is amended to read as follows:

(a) It is the intent of the General Assembly to create and maintain an informative source of healthcare information to support consumers, researchers, and policymakers in healthcare decisions within the state, including decisions by the State Insurance Department to regulate the business of insurance in this state.

SECTION 3. Arkansas Code § 23-61-903(9), concerning the definition of "submitting entity" within the Arkansas Healthcare Transparency Initiative Act of 2015, is amended to read as follows:

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

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

(ii) A health benefit plan offered or administered by or on behalf of the state or an agency or instrumentality of the state, including without limitation benefits administered by a managed care organization whether or not the managed care organization had two thousand (2,000) covered individuals in the previous year;

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

(iv) The Workers' Compensation Commission;

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

(vi) A health benefit plan subject to the Employee Retirement Income Security Act of 1974, Pub. L. No. 93-406, ~~as permitted by federal law, provided that the health benefit plan does not include an~~

~~employee welfare benefit plan, as defined by federal law, as amended from time to time, that is also a trust established pursuant to collective bargaining subject to the Labor Management Relations Act of 1947, 29 U.S.C. §§ 401—531 and that is fully insured;~~

(vii) A risk-based provider organization licensed by the State Insurance Department; and

~~(vii)(viii)~~ An entity that contracts with institutions of the Department of Correction or Department of Community Correction to provide medical, dental, or pharmaceutical care to inmates.

(B) “Submitting entity” does not include:

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

(ii) An employee of a welfare benefit plan as defined by federal law that is also a trust established pursuant to collective bargaining subject to the Labor Management Relations Act of 1947, Pub. L. No. 80-101; or

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

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

(F) A representative from the Arkansas Biosciences Institute who shall serve as an ex-officio, nonvoting member.

SECTION 5. Arkansas Code Title 23, Chapter 61, Subchapter 9, is amended to add additional sections to read as follows:

23-61-909. Data collected under State Health Data Clearinghouse Act.

(a) The Department of Health shall submit data collected under the State Health Data Clearinghouse Act, § 20-7-301 et seq., to the Arkansas Healthcare Transparency Initiative for integration into the Arkansas Healthcare Transparency Initiative database created under § 23-61-904.

(b) The data submitted under subsection (a) of this section:

(1) Shall be assigned a unique identifier as defined in § 23-61-903; and

(2) May be used in accordance with the purposes of the Arkansas Healthcare Transparency Initiative and the rules promulgated under this subchapter.

23-61-910. Data collected regarding hospital discharge and emergency department records.

(a) The Department of Health shall submit data collected regarding hospital discharge and emergency department records for the uninsured, birth and death records, and disease registry data under the State Health Data Clearinghouse Act, § 20-7-301 et seq., § 20-18-201, and § 20-15-201 et seq., to the Arkansas Healthcare Transparency Initiative Board for integration into the Arkansas Healthcare Transparency Initiative database created under § 23-61-904.

(b) The data submitted under subsection (a) of this section:

(1) Shall be assigned a unique identifier as defined in § 23-61-903; and

(2) May be used in accordance with the purposes of the Arkansas Healthcare Transparency Initiative and the rules promulgated under this subchapter.

/s/D. Sanders

**APPROVED: 04/05/2017**