

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

State of Arkansas  
92nd General Assembly  
Regular Session, 2019

As Engrossed: H3/28/19  
**A Bill**

HOUSE BILL 1257

By: Representative Boyd  
By: Senator D. Wallace

### **For An Act To Be Entitled**

AN ACT TO AUTHORIZE AND CLARIFY THE METHOD OF  
RELEASING CLAIMS AND ENROLLMENT DATA BY HEALTH  
INSURERS THAT PROVIDE HEALTHCARE COVERAGE TO ELIGIBLE  
INDIVIDUALS IN THE ARKANSAS WORKS PROGRAM; AND FOR  
OTHER PURPOSES.

### **Subtitle**

TO AUTHORIZE AND CLARIFY THE METHOD OF  
RELEASING CLAIMS AND ENROLLMENT DATA BY  
HEALTH INSURERS THAT PROVIDE HEALTHCARE  
COVERAGE TO ELIGIBLE INDIVIDUALS IN THE  
ARKANSAS WORKS PROGRAM.

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

SECTION 1. Arkansas Code § 23-61-907 is amended to read as follows:  
23-61-907. Data release.

(a) Data in the Arkansas Healthcare Transparency Initiative shall:

(1) To the extent authorized by the State Insurance Department,  
be available:

(A) When disclosed in a form and manner that ensures the  
privacy and security of protected health information as required by state and  
federal laws, as a resource to insurers, employers, purchasers of health  
care, researchers, state agencies, and healthcare providers to allow for  
assessment of healthcare utilization, expenditures, and performance in this  
state, including without limitation as a resource for hospital community



health needs assessments; and

(B) To state programs regarding healthcare quality and costs for use in improving health care in the state, subject to rules prescribed by the ~~department~~ State Insurance Department conforming to state and federal privacy laws or limiting access to limited-use data sets; and

(2) Not be used to:

(A) Disclose trade secrets of submitting entities;

(B)(i) Reidentify or attempt to reidentify an individual who is the subject of any submitted data without obtaining the individual's consent.

(ii) Subdivision (a)(2)(B)(i) of this section does not apply to the State Insurance Department or the Department of Human Services; or

(C) Create or augment data contained in a national claims database.

(b)(1) Notwithstanding Except as provided in subdivision (b)(2) of this section and notwithstanding the Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, or any other provision of law, the Arkansas Healthcare Transparency Initiative shall not publicly disclose any data that contains direct personal identifiers.

(2) The Arkansas Healthcare Transparency Initiative may disclose claims data that contains direct personal identifiers of eligible individual in the Arkansas Works Program to the State Insurance Department and the Department of Human Services.

SECTION 2. Arkansas Code § 23-61-1004(g), concerning the administration of the Arkansas Works Program, is amended to read as follows:

(g)(1) On a quarterly basis, the Department of Human Services, the State Insurance Department, the Department of Workforce Services, and other necessary state agencies shall report to the Legislative Council, or to the Joint Budget Committee if the General Assembly is in session, available information regarding the overall Arkansas Works Program, including without limitation:

(A) Eligibility and enrollment;

(B) Utilization;

(C) Premium and cost-sharing reduction costs;

- (D) Health insurer participation and competition;
- (E) Avoided uncompensated care; and
- (F) Participation in job training and job search programs.

(2)(A) A health insurer ~~who~~ that is providing an individual qualified health insurance plan ~~or employer health insurance coverage under this subchapter~~ for an eligible individual shall submit quarterly claims and enrollment data to the State Insurance Department and the Department of Human Services to facilitate reporting required under this subchapter or other state or federally required reporting or evaluation activities.

~~(B) A health insurer may utilize existing mechanisms with supplemental enrollment information to fulfill requirements under this subchapter, including without limitation the state's all-payer claims database established under the Arkansas Healthcare Transparency Initiative Act of 2015, § 23-61-901 et seq., for claims and enrollment data submission. When submitting claims and enrollment data to the Department of Human Services, a health insurer shall submit the information electronically in a format determined by the Department of Human Services.~~

/s/Boyd