

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 1835

By: Representative Dotson
By: Senator B. Ballinger

For An Act To Be Entitled

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

Subtitle

TO PLACE RESTRICTIONS ON THE STATE INSURANCE DEPARTMENT WHEN OPERATING THE ARKANSAS HEALTH INSURANCE MARKETPLACE; AND TO AMEND THE PROHIBITED ACTIVITIES FOR NAVIGATORS, GUIDES, AND CERTIFIED APPLICATION COUNSELORS.

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

SECTION 1. Arkansas Code Title 23, Chapter 61, Subchapter 8, is amended to add an additional section to read as follows:

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

The State Insurance Department shall not:

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

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



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

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

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

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

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

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

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

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

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

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

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

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

Health Insurance Marketplace, or any other health benefit plan;

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

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

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

/s/Dotson