

Title 23. Public Utilities and Regulated Industries
Chapter I. State Insurance Department, Department of Commerce
Subchapter A. Generally
Part 43. Rules of Practices and Procedures

Codification Notes. This part as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"I. AUTHORITY

This Rule is issued pursuant to Ark. Code Ann.§ 25-15-203(a) which requires state agencies to adopt a rule of practice setting forth the nature and requirements of all formal and informal procedures available, including a description of forms and instructions used by the agency. In addition, Ark. Code Ann.§ 25-15-203(a) requires state agencies to issue a rule describing its organization, method of operations and public access to information it provides. This Rule is also issued under the authority of Ark. Code Ann.§ 23-61-108(a)(1) which permits the Arkansas Insurance Commissioner ("Commissioner") to issue rules necessary for or as an aid to the effectuation of any provision of the Arkansas Insurance Code("AIC")."

"XIV. EFFECTIVE DATE

This Rule shall be effective upon approval by the Arkansas Legislative Council and shall go into effect ten (10) days after filing a final rule with the Secretary of State. Unless excepted under this Rule, this Rule shall apply to all administrative actions, investigations, rules, orders, complaints and policies that are undertaken, reviewed or issued by the Commissioner or AID after the effective date of this Rule."

Subpart 1. Generally

23 CAR § 43-101. Application of Insurance Code and rules.

(a) Unless more specifically addressed in this part, the Arkansas Insurance Code, or other State Insurance Department administrative rules that pertain to a specific administrative action or procedure shall apply to the administrative activity at the department.

(b) In the event of a conflict between a provision in this part with the Arkansas Insurance Code, the department's administrative rules, or the Arkansas Administrative Procedure Act, Arkansas Code § 25-15-201 et seq., then the provisions in the latter statutory or rule-based requirements shall apply.

Authority. Arkansas Code §§ 23-61-108, 25-15-203.

23 CAR § 43-102. Statement of organization and operations.

(a) The State Insurance Department is an agency of state government created under Acts 1959, No. 148, as codified under Arkansas Code § 23-61-101 et seq.

(b)(1) Pursuant to Arkansas Code § 23-61-101(c)(1), the primary mission of the department is consumer protection through insurer solvency and market conduct regulation, and fraud prosecution and deterrence.

(2) Specifically, under the direction and supervision of the Insurance Commissioner, pursuant to Arkansas Code § 23-61-103(c), the department regulates:

- (A) The licensing of insurance companies;
- (B) The licensing of insurance producers;
- (C) Regulation of premium rates and policy forms;
- (D) Regulation of insurer solvency and receiverships; and
- (E) Any other matters relating to the effective regulation of the business

of insurance.

(c) The individual in charge of day-to-day operations is the commissioner, who is appointed by the Governor under Arkansas Code § 23-61-102.

(d) From time to time, the department issues administrative orders, rules, bulletins, and directives pertaining to the business of insurance or other regulation of business organizations subject to the jurisdiction of the department.

(e) For administrative purposes, the department is comprised of divisions, which include, but are not limited to:

- (1) Licensing;
- (2) Financial regulation;
- (3) Accounting regulation;
- (4) Legal services;
- (5) General administration;
- (6) Public employee claims;
- (7) Risk management for state-owned properties;
- (8) Consumer services or affairs; and
- (9) Liquidation and receiverships.

(f) A current organizational chart reflecting the organization and operations of divisions shall be available from the department's website at the following link:

<https://www.insurance.arkansas.gov/administration/organization-chart2>.

Authority. Arkansas Code §§ 23-61-108, 25-15-203.

23 CAR § 43-103. Information for public guidance and Freedom of Information Act of 1967 requests.

(a)(1) The State Insurance Department employs persons holding certain responsibilities for handling Freedom of Information Act of 1967, Arkansas Code § 25-19-101 et seq., requests, licensing questions, and complaints against licensees so that the public may obtain information about the agency or make submissions or requests.

(2) Freedom of Information Act of 1967 requests may be submitted to:
aid.foi@arkansas.gov.

(b) Descriptions of the department's divisions and contact information for specific divisions may be found at the following link:

<https://www.insurance.arkansas.gov/administration/>.

(c) The department has a list of official forms used by the agency and a list of all formal, written statements of policy and written interpretations in bulletins, directives,

orders, and rules, which may be obtained through accessing the links at <https://www.insurance.arkansas.gov/industry-regulation>.

Authority. Arkansas Code §§ 23-61-108, 25-15-203.

23 CAR § 43-104. Public meetings.

(a) Neither the Insurance Commissioner nor the State Insurance Department is a commission or governing board that holds regular or special meetings.

(b) However, the department holds publicly accessible hearings on all administrative and rulemaking matters.

Authority. Arkansas Code §§ 23-61-108, 25-15-203.

23 CAR § 43-105. Website links to State Insurance Department forms and documents.

(a) Internet locations to various State Insurance Department forms, documents, or publications, as previously cited in this part, may change from time to time.

(b) Interested persons should consult the official department website for the current internet location of the documents or publications or contact the department for assistance in locating a particular document or form.

Authority. Arkansas Code §§ 23-61-108, 25-15-203.

23 CAR § 43-106. Forms.

(a) The number of forms formally required by the State Insurance Department related to licensing, various transactions, and required filings under its jurisdiction is too abundant to list or attach to this part.

(b) For licensees and interested persons, such forms are available on the department's website located at <https://insurance.arkansas.gov/>.

Authority. Arkansas Code §§ 23-61-108, 25-15-203.

Subpart 2. Administrative Adjudicative Proceedings

23 CAR § 43-201. Generally.

(a) An administrative adjudication proceeding ("adjudicative proceeding") at the State Insurance Department shall be a proceeding qualifying as an adjudication under Arkansas Code § 25-15-202(1)(A).

(b) Unless specifically exempted under this part, adjudicative proceedings at the department include but are not limited to any proceedings initiated by the department against licensees for violations of the Arkansas Insurance Code or the department's administrative rules resulting or culminating in an administrative order.

Authority. Arkansas Code §§ 23-61-108, 25-15-203.

23 CAR § 43-202. Exemption for financially related transactions or reviews.

(a)(1) Financially related reviews by the State Insurance Department or administrative actions undertaken by the department pertaining to the financial solvency, ownership, condition, or affairs of an insurer or business organization licensee that may ultimately result in an administrative order shall be exempt from the provisions of this part.

(2) Instead, the specific, pertinent provisions of the Arkansas Insurance Code or the department's administrative rules pertaining to the activity under review shall apply to provide the procedures, forms, or practices related to the financial activities.

(3) This exemption applies, by example and without limitation, to:

- (A) Mergers and acquisitions;
- (B) Holding company transactions;
- (C) Financial examinations and adoption orders of such reports;
- (D) Risk-based capital requirements;

- (E) Changes of ownership;
- (F) Hazardous condition situations;
- (G) Rehabilitations;
- (H) Receiverships;
- (I) Liquidations;
- (J) Material business modifications; and
- (K) Any other matter pertaining to the financial affairs of an insurer or licensed business organization.

(b) The department maintains that there already exist adequate and unique statutory or rule-based requirements supplying the department practices or procedures required for such activities in Chapters 62, 63, and 69 of the Arkansas Insurance Code.

Authority. Arkansas Code §§ 23-61-108, 25-15-203.

23 CAR § 43-203. Notices of public hearing or hearings.

(a)(1) An adjudicative proceeding by the State Insurance Department shall begin from its issuance of a written Notice of Public Hearing (NOPH) mailed to a licensee that:

- (A) Sets out the date, time, and location of an administrative hearing; and
- (B) Provides sufficient facts and notice of allegations of violations of the

Arkansas Insurance Code or the State Insurance Department's administrative rules, allegedly committed by the licensee.

(2) The content of the NOPH shall otherwise comply with Arkansas Code § 25-15-208 and shall be mailed by certified mail, return receipt requested, to the licensee at its last reported address at the State Insurance Department.

(3)(A) The State Insurance Department advises licensees to maintain a current and accurate working address with the State Insurance Department to receive notices from the State Insurance Department.

(B) Otherwise, the State Insurance Department shall consider that adequate notice was provided to the licensee of the NOPH at the licensee's last known address as reported to the State Insurance Department.

(4) A licensee subject to an NOPH shall be identified as a respondent.

(b) Timing of hearing.

(1) No hearing shall be conducted in less than ten (10) days from the respondent's receipt of the NOPH unless there exists a public emergency as set out in 23 CAR § 43-213.

(2) Although it is not statutorily required to provide the following time frame, the State Insurance Department generally sets nonemergency hearings to occur within thirty (30) to forty-five (45) days of the anticipated receipt of the NOPH by the respondent.

(3) In the absence of statutory language explicitly referencing the time periods to be calculated upon working days, the timing of the hearing shall be provided upon a calendar day basis.

(4) Following receipt of the NOPH by the respondent, the respondent and the State Insurance Department may mutually agree to a rescheduled hearing date.

(c) Replies or responses to an NOPH.

(1) A respondent may, but is not required to, respond to an NOPH, either orally or in writing.

(2) The State Insurance Department, however, strongly encourages licensees receiving an NOPH to respond in writing to the State Insurance Department's NOPH in order to provide an adequate record for acknowledgment that the respondent was notified of an administrative hearing, and, in addition, such oral or written response may provide for a consideration by the State Insurance Department as to the nature of any plausible or meritorious defenses to the allegations raised against the respondent by a complainant.

(3) Any such response to the NOPH should be submitted to the State Insurance Department within fifteen (15) working days of the respondent's receipt of the NOPH.

(4) Formal rules of pleading are not required in any written reply to an NOPH.

(5) A written reply may be made in general narrative form, or it may admit or deny the averments or paragraphs in the NOPH.

(6) A respondent shall not be prejudiced by failing to respond to an NOPH.

(d) Hearing officer.

(1) In the NOPH, the State Insurance Department shall identify the hearing officer to preside over the adjudicative proceeding who may be the Insurance Commissioner or other duly appointed person.

(2) Within fifteen (15) days of receipt of the NOPH, a respondent may request the appointment of a substitute hearing officer in the event of conflict, bias, appearance of impropriety, or upon any other basis of disqualification that is sufficiently described and justified.

(3) In the event of conflict, the State Insurance Department may designate a hearing officer not employed by the State Insurance Department or by the Department of Commerce to act as hearing officer under Arkansas Code § 23-61-303(a)(3).

(4) In the event of a scheduling conflict with the originally designated hearing officer, the commissioner may appoint a substitute hearing officer, and the State Insurance Department shall promptly notify the respondent in writing of this change.

Authority. Arkansas Code §§ 23-61-108, 25-15-203.

23 CAR § 43-204. Continuances.

(a) In the event of a conflict or hardship with the date and time of the administrative hearing as set out in the Notice of Public Hearing (NOPH), a respondent may request a rescheduled date and time for the administrative hearing within fifteen (15) days of receipt of the NOPH.

(b) The request under this section shall be made to, reviewed by, and decided by the hearing officer designated in this matter.

(c) The conflict needs to detail a legitimate hardship upon the respondent to attend the initially scheduled hearing and shall not be granted in the event that the respondent has demonstrated a pattern or history of requesting multiple continuances.

Authority. Arkansas Code §§ 23-61-108, 25-15-203.

23 CAR § 43-205. Prehearing evidence notes, discovery, and access to department information.

(a)(1) If the respondent chooses to request the items listed in Arkansas Code § 25-15-208(a)(3), then, upon such a request, the State Insurance Department shall provide the information to the respondent no later than ten (10) days from the date of the scheduled hearing.

(2) The department and the respondent may, however, mutually agree as to a different timing for submission of the items under Arkansas Code § 25-15-208(a)(3).

(3) In the absence of statutory language explicitly referencing the time periods to be calculated upon working days, the information shall be supplied, upon request, on the basis of calendar days.

(b) Access to State Insurance Department files.

(1)(A) Upon request and after issuance of a Notice of Public Hearing (NOPH), a respondent may access or copy the file and records constituting the basis of the adjudicative proceeding against the respondent as detailed in the NOPH under the same time periods required by a state agency to respond to a Freedom of Information Act of 1967, Arkansas Code § 25-19-101 et seq., request.

(B) However, the department and the respondent may mutually agree to an extended time period.

(2) The information provided, however, shall not disclose any information related to other department files under active and open investigation or examination under Arkansas Code § 23-61-107 or § 23-61-207, nor to any other records exempt from disclosure under the Freedom of Information Act of 1967.

(3) A decision by the department denying the records either in full or in part due to the above Freedom of Information Act of 1967 exemptions shall detail in writing the nature of exemption relied upon.

(4) The respondent may challenge any such denials by petitioning the appointed hearing officer for the information under a protective order, or other appropriate limitations, assuming it is legally feasible to disclose such information in a

limited fashion, if the respondent shows an imperative need for such information that is critical to its defense to an NOPH.

(c) Prehearing discovery.

(1) The provisions of Arkansas Code §§ 23-61-301 and 23-61-302 shall apply to a respondent's prehearing discovery rights under an adjudicative proceeding.

(2) The Insurance Commissioner's issuance of subpoenas for witnesses or the production of documents from persons, business organizations, or other entities under this part shall be ministerial in nature.

(3) A party's request for a subpoena shall not be denied unless the requested subpoena:

(A) Seeks information or testimony from persons or organizations that is substantially irrelevant, or not substantially probative, of any issue raised in the NOPH; or

(B) Reasonably appears to be intended to harass or overly burden the person or organization with excessive information requests that are substantially not relevant to the proceeding at issue.

(4) There is not a form required for use for a request for a commissioner's subpoena other than the request must be a request that:

(A) Details and identifies the individuals needed to testify in an administrative proceeding; or

(B) Sufficiently describes the documents to be produced.

(5) Requests for a subpoena from the commissioner shall be made to the investigator assigned to review the complaint.

(6) Depositions of witnesses are permitted with an appropriately described subpoena detailing the date, time, and location of the deposition for such person's testimony, with any described production of documents.

(7) The department and the respondent may, however, mutually agree as to the date, time, and location of the deposition.

(8) Although the department is not required to abide by other prehearing discovery provisions or actions as permitted under the Arkansas Rules of Civil

Procedure, the parties to an adjudicative proceeding may, however, mutually agree to other forms of prehearing discovery if it is permitted by the appointed hearing officer.

Authority. Arkansas Code §§ 23-61-108, 25-15-203.

23 CAR § 43-206. Conduct of administrative hearing.

(a)(1) The conduct of any hearing for an adjudicative proceeding under this part shall follow the provisions of Arkansas Code §§ 23-61-301 – 23-61-306 and any of the requirements described in Arkansas Code § 25-15-208 of the Arkansas Administrative Procedure Act, Arkansas Code § 25-15-201 et seq.

(2)(A) The Arkansas Rules of Evidence do not apply to the admission or rejection of evidence submitted in the proceeding.

(B) However, the hearing officer may loosely apply such standards in the proceeding.

(3) The hearing officer may admit or deny oral or documentary evidence on the basis of whether the information is relevant to the allegations or defenses raised or alleged.

(b) The Insurance Commissioner, or his or her appointed hearing officer, may temporarily close an administrative hearing from the public subject to Arkansas Code § 23-61-305(a).

(c) The appointed hearing officer may sequester witnesses for good cause upon request of any party in the adjudicative proceeding.

(d)(1) The appointed hearing officer has full power to maintain order, decorum, and organization of the proceeding, to make rulings on the admission or rejection of evidence, to require adherence to his or her rulings as to all parties, witnesses, or to the public in attendance, as well as other powers described in Arkansas Code § 25-15-213(3)(A).

(2) These powers include:

(A) To issue subpoenas if the agency is authorized by law to issue them;

(B) To administer oaths and affirmations;

- (C) To maintain order;
- (D) To rule upon all questions arising during the course of a hearing or proceeding;
- (E) To permit discovery by deposition or otherwise;
- (F) To hold conferences for the settlement or simplification of issues;
- (G) To make or recommend decisions; and
- (H) Generally, to regulate and guide the course of the pending proceeding.

(e) The appointed hearing officer may issue preliminary rulings and orders during the course of an administrative proceeding, governing the administration of the proceeding, prior to a final order, without such orders requiring ratification or approval by the commissioner under 23 CAR § 43-210.

Authority. Arkansas Code §§ 23-61-108, 25-15-203.

23 CAR § 43-207. Interventions.

(a) Following issuance of the Notice of Public Hearing (NOPH), interested persons may file a petition, motion, or request to intervene in writing to the Insurance Commissioner under Arkansas Code § 23-61-305(c) setting forth its qualifications for intervention.

(b) An intervenor's financial or economic interests must be directly or immediately impacted by a commissioner's order on the issue or issues raised in the NOPH to qualify as intervenors.

(c) The commissioner, or appointed hearing officer, may grant or deny a request for intervention by written order with or without a separate administrative hearing.

(d) Intervenors granted participation in the proceeding shall be:

- (1) Identified as intervenors; and
- (2) Accorded the same rights as a party in the administrative proceeding.

(e) There is no State Insurance Department-required form or format for a petition, motion, or request to intervene in a proceeding other than, in general, it should:

- (1) Be in writing; and
- (2) Set out its qualifications in satisfying the above standards in this subpart.

Authority. Arkansas Code §§ 23-61-108, 25-15-203.

23 CAR § 43-208. Style heading and font requirements.

(a) The style headings or format for documents, replies, motions, written requests, or responses related to an administrative proceeding subject to this subpart should follow the heading or format of the initial Notice of Public Hearing (NOPH) stating the:

- (1) Subject matter described;
- (2) Name of the licensee, which shall be identified as the respondent; and
- (3) State Insurance Department tracking number.

(b)(1) The department will not reject any document failing to conform to these technical style requirements.

(2) However, the department strongly encourages respondents with attorneys to comply with this requirement.

(c) In addition, the department encourages respondents when filing written documents in a proceeding with the department to use a 12-point typeface, double-spaced on eight and one-half inches by eleven inches (8 1/2" x 11") paper.

Authority. Arkansas Code §§ 23-61-108, 25-15-203.

23 CAR § 43-209. Time limit for orders following hearing.

(a) The time limit upon the State Insurance Department for the issuance of an order following an adjudicative hearing shall follow the requirement in Arkansas Code § 23-61-306(b) that states an order must be entered within thirty (30) days from the termination of the hearing or any rehearing thereon.

(b) The Insurance Commissioner or hearing officer may keep the adjudicative hearing record open to receive items requested by the hearing officer after a hearing,

and, therefore, the hearing shall be considered terminated when the record actually closes for purposes of the thirty-day period under this section.

(c)(1) Pursuant to Arkansas Code §§ 23-61-306 and 25-15-210, the commissioner shall mail a copy of the order to the same persons given notice of the hearing and to all parties of the hearing with the content of the order complying with 23 CAR § 43-212.

(2) A party may agree in advance to accept receipt or delivery of the order by electronic means.

(d) In the absence of statutory language explicitly referencing the time periods to be calculated upon working days, the order shall be issued on the basis of calendar days.

Authority. Arkansas Code §§ 23-61-108, 25-15-203.

23 CAR § 43-210. Review and ratification of hearing officer findings and recommendations.

For adjudicative proceedings or hearings in which the Insurance Commissioner does not preside over the matter as a hearing officer, the commissioner shall review the record and recommendations of the appointed hearing officer and may accept or reject such recommendations, or make modifications thereof, and such actions shall be reflected in writing in a final order.

Authority. Arkansas Code §§ 23-61-108, 25-15-203.

23 CAR § 43-211. Request for rehearing.

(a) The respondent in an adjudicative proceeding or hearing may request a rehearing with the Insurance Commissioner under Arkansas Code § 23-61-305(f) within thirty (30) days after the respondent's receipt of the order by the respondent.

(b) The commissioner in his or her discretion may grant a rehearing or reargument of the matters involved.

(c) The commissioner's discretion to grant a rehearing or reargument is guided by whether the order:

- (1) Lacked substantial evidence under Arkansas Code § 23-61-307(g)(2); or
- (2) Violated the standards under Arkansas Code § 25-15-212(h).

(d) The State Insurance Department does not require a specific form or format of a rehearing petition, rehearing motion, or request for a rehearing other than it should be a written request describing such errors meeting the above described and cited statutory standards.

(e) In the absence of statutory language explicitly referencing the time periods to be calculated upon working days, the request for a rehearing shall be made on the basis of calendar days.

Authority. Arkansas Code §§ 23-61-108, 25-15-203.

23 CAR § 43-212. Content of the order.

(a) The content of an adjudicative order subject to this subpart shall comply with Arkansas Code § 23-61-306(c) and (d) as well as Arkansas Code § 25-15-210.

(b) The State Insurance Department does not require a specific form or format of a final order other than, in general, it should meet the above cited statutory standards.

Authority. Arkansas Code §§ 23-61-108, 25-15-203.

23 CAR § 43-213. Emergency suspension orders on a public emergency basis.

(a) Following the issuance of a State Insurance Department-issued emergency order on the basis of a public health, safety, and welfare emergency, pursuant to Arkansas Code § 23-64-216(e), a hearing shall be promptly instituted.

(b) A hearing shall be considered promptly instituted under Arkansas Code § 23-64-216(e) if the hearing is held within ten (10) days of receipt by the respondent of the

Notice of Public Hearing (NOPH) or emergency order issued, whichever is the earliest received by the respondent.

(c) By mutual agreement, the department and the respondent may agree to a different time and date of the hearing.

(d) In the absence of statutory language explicitly referencing the time periods to be calculated upon working days, the hearing shall be set on the basis of calendar days.

Authority. Arkansas Code §§ 23-61-108, 25-15-203.

23 CAR § 43-214. Petitions for declaratory rulings under Arkansas Code § 23-61-303(b).

(a) At his or her discretion, the Insurance Commissioner may interpret or decide an insurance issue in a written declaratory order issued following the requirements of Declaratory Orders, 23 CAR pt. 41, resolving a question or controversy concerning the applicability of statutory provisions, rules, or orders over which the State Insurance Department has authority.

(b) The time period of such adjudication shall follow the requirements of 23 CAR pt. 41, which requires an order within ninety (90) days from the filing of the petition.

(c) The discretion of the commissioner to consider issuing a declaratory order shall include the evaluation of whether:

(1) There is an issue of sufficient statewide magnitude over an ambiguity, interpretation, or conflict requiring an interpretation for the public consumers involved or a substantial number of third parties servicing those consumers; and

(2) Rulemaking procedures would not be timely in alleviating any irreparable harm to insureds or affected third parties needing an interpretation.

(d)(1) The commissioner may in his or her discretion grant or deny a request for a declaratory order with or without a hearing.

(2) If granted, the commissioner may set a request for a declaratory order for an administrative hearing to consider legal arguments related to such requested interpretations.

(e) The department does not have a specific form or required format for a petition for a declaratory ruling other than it be a request in writing to the commissioner detailing the standards above.

Authority. Arkansas Code §§ 23-61-108, 25-15-203.

23 CAR § 43-215. Aggrieved person demand for hearing.

(a) The Insurance Commissioner shall hold a hearing under Arkansas Code § 23-61-303(b) on written demand for a hearing by any person aggrieved by any act, threatened act, or failure of the Insurance Commissioner to act or by any report, rule, or order of the commissioner.

(b) A person shall be considered aggrieved in the event of an order, act, or failure to act by the commissioner if:

(1) Such action or inaction substantially and directly impacts a person's or business organization's insurance rights or benefits; and

(2) The State Insurance Department has substantially demonstrated no intent to investigate or review such claim or claims or complaint.

(c) Upon written demand for a hearing made by an aggrieved person, the hearing shall be held within thirty (30) days after receipt by the commissioner of the demand.

(d) In the absence of statutory language explicitly referencing the time periods to be calculated upon working days, a hearing shall be held on the basis of calendar days.

Authority. Arkansas Code §§ 23-61-108, 25-15-203.

23 CAR § 43-216. Consent orders.

(a) Upon mutual agreement, the State Insurance Department and the respondent may resolve an administrative adjudication by written stipulation or through a written consent order as approved by the Insurance Commissioner.

(b) The order shall be equivalent to any final order issued under this part.

(c) There is no department-required form or format of a consent order other than, in general, it should meet the previously cited statutory standards of the required content in a final order.

(d) The department may supply a licensee with a previously issued, or a historically issued, consent order form to facilitate an agreed format for a consent order.

Authority. Arkansas Code §§ 23-61-108, 25-15-203.

23 CAR § 43-217. Electronic communications and filings.

(a) Any requirement under this subpart necessitating a document in writing may be satisfied if such communication is submitted through electronic means, except for Notices Of Public Hearings (NOPHs) or final orders, which shall be physically mailed.

(b) However, a respondent may agree in writing to accept service of an NOPH or a final order via email.

Authority. Arkansas Code §§ 23-61-108, 25-15-203.

23 CAR § 43-218. Appeals of department orders.

A respondent or intervenor may appeal a final order issued by the Insurance Commissioner as an administrative adjudication order under either Arkansas Code § 23-61-307 or § 25-15-202.

Authority. Arkansas Code §§ 23-61-108, 25-15-203.

23 CAR § 43-219. Ex parte communications are prohibited.

(a) For administrative adjudications in which there has been issued a Notice of Public Hearing (NOPH), no State Insurance Department personnel involved with an investigation or hearing shall communicate with the appointed hearing officer or Insurance Commissioner about the matter outside the presence of the respondent or respondent's attorney, and this same limitation applies to communications to the

hearing officer or commissioner by the respondent, or respondent's attorney, outside the presence of a department attorney or investigator assigned to the file.

(b) However, department personnel may disclose to a hearing officer or to the commissioner status report activities of the file if it is a required job duty of such person to provide status reports of his or her activities to the hearing officer or commissioner.

Authority. Arkansas Code §§ 23-61-108, 25-15-203.

23 CAR § 43-220. Telephonic or live video-based testimony.

In the event of a significant hardship upon a witness to attend an administrative adjudicative hearing and upon approval by the State Insurance Department, the respondent, and the appointed hearing officer, a witness in a proceeding may testify under oath during an in-person hearing via telephone or on a live video basis.

Authority. Arkansas Code §§ 23-61-108, 25-15-203.

23 CAR § 43-221. Live video-based adjudicative proceedings.

(a) Upon approval of the appointed hearing officer, the State Insurance Department, and the respondent, adjudicative proceedings may be conducted by live video conferencing.

(b) The department shall appropriately arrange for a court reporter to participate and to swear in witnesses and to transcribe testimony.

Authority. Arkansas Code §§ 23-61-108, 25-15-203.

23 CAR § 43-222. Preferred filing requirements.

(a)(1) For adjudicative proceedings in which a Notice of Public Hearing (NOPH) has been issued, the State Insurance Department does not, at this time, maintain any formal filing or system requirements for it to receive and process filings,

communications, or other documents from parties during the course of an administration proceeding.

(2) Therefore, the department strongly advises respondents represented by an attorney to notify or copy by regular mail, or electronic mail, the director of administrative legal services at the department with any replies to an NOPH, prehearing motions, discovery requests, briefs, or other formal and substantially important filings related to the administrative hearing.

(b) The respondent should identify the department tracking number and style of the matter in order for the department to maintain an accurate, chronological administrative record of such activities for purposes of tracking and appeal.

(c) The department should provide the appropriate contact information of the Legal Division of the State Insurance Department administrative director in the department cover letter accompanying an NOPH.

(d) Licensees not represented by attorneys are strongly advised to also copy the Legal Division of the State Insurance Department administrative director, as identified in the NOPH cover letter, with copies of significant communications related to the administrative proceeding, although it is not a violation of this part for failure of any licensee to do so.

(e) The department simply requests these practices or procedures be encouraged to help facilitate its regulatory obligation to maintain an accurate and complete chronological record of activities related to the proceeding in the event that the licensee later appeals a ruling or order of the Insurance Commissioner.

Authority. Arkansas Code §§ 23-61-108, 25-15-203.

23 CAR § 43-223. Administrative actions following a limited-scope market conduct examination.

The provisions of this subpart shall apply to administrative actions undertaken by the State Insurance Department against licensees arising from findings pursuant to a limited-scope market conduct report, unless such action pertains to a hearing under

Arkansas Code § 23-61-205(a)(3)(C), in which case the procedures under that section shall apply.

Authority. Arkansas Code §§ 23-61-108, 25-15-203.

23 CAR § 43-224. Denials of insurance producer licensing or renewals.

(a) Although a denial by the Insurance Commissioner or State Insurance Department related to an insurance producer's application or renewal for a license is not typically formulated into an administrative order, a producer or person seeking a license as a producer may request an administrative hearing over the denial.

(b) In such event, the administrative actions, practices, and procedures after such a request shall follow this subpart.

Authority. Arkansas Code §§ 23-61-108, 25-15-203.

23 CAR § 43-225. Denials of insurer, HMO, or other business organization licensing or renewals.

(a) Other than actions relating to denials of licensing or renewals by the State Insurance Department or the Insurance Commissioner pertaining to matters described in 23 CAR § 43-202, the commissioner or department may set an administrative hearing for a review of a denial of licensing or renewal of a business organization, upon a request in writing by the organization.

(b) In such event, the administrative actions, practices, and procedures after such a request shall follow this subpart.

Authority. Arkansas Code §§ 23-61-108, 25-15-203.

23 CAR § 43-226. Settlement conferences.

(a) In his or her discretion, the Insurance Commissioner, or appointed hearing officer, is authorized to require parties in an adjudicative proceeding under this subpart

to participate in a settlement conference at a date, time, or location specified by the commissioner or hearing officer unless the parties mutually agree to a different time, date, and location.

(b) No statements made during the conference or prepared for purposes of this conference shall be admissible in any adjudicative hearing.

(c) A conference under this section, if requested, shall be attended by the identified parties and attorneys, if any, and may be required to occur as a condition before an adjudicative hearing is held on the matter.

(d) The conference may be held:

- (1) In person;
- (2) Over the phone; or
- (3) Through live video conferencing.

Authority. Arkansas Code §§ 23-61-108, 25-15-203.

Subpart 3. Investigations

23 CAR § 43-301. Generally.

(a) The requirements under this subpart shall govern the practices and procedures of the State Insurance Department in conducting investigations against licensees for insurance matters or violations of the Arkansas Insurance Code or the department's administrative rules.

(b) Pursuant to Arkansas Code § 23-61-103(d), the Insurance Commissioner may conduct such examinations and investigations of insurance matters, in addition to examinations or investigations expressly authorized, as he or she may deem proper to:

- (1) Determine whether any person has violated any provision of the Arkansas Insurance Code; or
- (2) Secure information useful in the lawful administration of such provision.

Authority. Arkansas Code §§ 23-61-108, 25-15-203.

23 CAR § 43-302. Statutory examinations and limited-scope examinations.

Statutory or limited scope examinations conducted by the State Insurance Department under Arkansas Code § 23-61-201 et seq., shall not be subject to the provisions under this subpart but shall instead comply with the procedures, practices, or requirements of the statutory subchapter governing such examinations.

Authority. Arkansas Code §§ 23-61-108, 25-15-203.

23 CAR § 43-303. Exemption for financially related investigations or reviews and for other State Insurance Department division activities.

(a) Financially related investigations or reviews pertaining to matters described in 23 CAR § 43-202 shall not be subject to the provisions of this subpart.

(b) Please see 23 CAR § 43-504 for additional exceptions.

Authority. Arkansas Code §§ 23-61-108, 25-15-203.

23 CAR § 43-304. Complaints.

(a) Upon receipt of a complaint from the State Insurance Department, a licensee insurance producer shall respond to the department in writing within thirty (30) days, and a licensee non-insurance producer shall respond within fifteen (15) working days, unless such time period has been extended by the department upon request.

(b) A complaint shall include a copy of the complaint along with a notice cover letter from the department.

(c) The department cover letter shall ask for a written response and may ask for copies of documents or records relevant to the complaint.

(d) Time extensions for a response shall be granted if the nature of the complaint:

- (1) Is complex;
- (2) Involves multiple claims or files;

(3) Requires significant research that may reasonably take longer than the allowed working days to complete; or

(4) Necessitates the production of documents or records that may justify the need for an extension.

(e) Additional reasons for time extensions may be granted on a good cause basis.

Authority. Arkansas Code §§ 23-61-108, 25-15-203.

23 CAR § 43-305. Ongoing requirements to respond to department inquiries.

(a) A licensee shall have an obligation to respond to additional inquiries pertaining to an active complaint under the same timing restriction under 23 CAR § 43-304 from the licensee's receipt of the inquiry.

(b) Time extensions shall be governed under the same standards under 23 CAR § 43-304.

Authority. Arkansas Code §§ 23-61-108, 25-15-203.

23 CAR § 43-306. Notice of Investigative Conference.

(a)(1) In the event that a licensee's response to a complaint or inquiry fails to sufficiently respond to the complaint or inquiry, or there is a need for additional information from the licensee by the State Insurance Department to adequately evaluate the complaint or inquiry, a licensee may receive a written Notice of Investigative Conference (NOIC) from the department.

(2) An NOIC shall be a written request from the department for the licensee to attend a recorded conference at the department to discuss matters pertaining to the complaint.

(3) The NOIC shall set the time, date, and location of the conference.

(4) A licensee is entitled in the NOIC to be represented by counsel.

(5) The NOIC may be transcribed, and the licensee's statements shall be taken under oath.

(6) An NOIC may additionally request from the licensee that the licensee produce records or files as identified in the NOIC at the time of the NOIC.

(7) In the event of conflict, hardship, or good cause, the department may reschedule an NOIC, or the department and the licensee may mutually agree as to a different date of the NOIC conference.

(8) The NOIC shall consist of department personnel, the licensee, and counsel for the licensee.

(9) The NOIC shall be considered an active, investigatory action that is confidential under Arkansas Code § 23-61-103(d).

(10) Upon request, a licensee may obtain a copy of any statements of the licensee obtained during an NOIC within a reasonable time from the department after such statements are transcribed.

(11) If permitted by the department, the conference required under the NOIC may take place through live video conferencing.

(b) Failure to attend an NOIC.

(1) The department strongly encourages all licensees to attend a requested NOIC.

(2) For insurance producers, a failure to attend an NOIC may be grounds for sanctions under Arkansas Code § 23-64-512(a)(16), which involves refusing to be examined or to produce any accounts, records, or files for examination, in addition to Arkansas Code § 23-64-512(a)(17), for failing to cooperate with the commissioner in an investigation when required by the commissioner.

(3) The above sanctions may be imposed for failure to attend an NOIC regardless of the ultimate outcome of the investigation.

Authority. Arkansas Code §§ 23-61-108, 25-15-203.

23 CAR § 43-307. Subpoenas from the department and on-site inspections with subpoenas from the department.

(a) Licensees are strongly encouraged to voluntarily supply the State Insurance Department with requested records or files during an investigation to avoid being served a department subpoena.

(b) In the event requested files or records are not timely supplied to the department, pursuant to Arkansas Code § 23-61-301(a), the Insurance Commissioner may:

- (1) Issue subpoenas to examine any individual under oath; and
- (2) Require and compel production of:
 - (A) Records;
 - (B) Books;
 - (C) Papers;
 - (D) Contracts; and
 - (E) Other documents.

(c) Subpoenas for records or files, including on-site requests for such information with a subpoena, shall provide reasonable advance notice for compliance with the request or requests in the subpoena unless there is a department-documented emergency, investigative need, and justification for immediate access to such records.

Authority. Arkansas Code §§ 23-61-108, 25-15-203.

23 CAR § 43-308. Confidentiality of investigations.

(a) Investigations of licensees and documents, statements, or records obtained during an investigation under this subpart shall be confidential while the complaint or file or files pertaining to the complaint are under active investigation under Arkansas Code § 23-61-103.

(b) Exceptions to the confidentiality requirements shall follow the exemptions and exceptions listed under Arkansas Code § 23-61-103, which include and are not limited to disclosures to state, federal, or local law enforcement.

Authority. Arkansas Code §§ 23-61-108, 25-15-203.

23 CAR § 43-309. Closing a complaint file or referral for enforcement.

Within a reasonable time after review by the State Insurance Department of the complaint and investigative records, the department shall advise the licensee, or other party, in writing of whether:

- (1) It has closed or dismissed the complaint; or
- (2) The matter has been transferred to the Legal Division of the State Insurance Department for additional review or enforcement.

Authority. Arkansas Code §§ 23-61-108, 25-15-203.

23 CAR § 43-310. Complaints referred to the Legal Division.

The requirements, practices, and procedures pertaining to investigations by the State Insurance Department shall continue to apply after referral of a complaint to the Legal Division of the State Insurance Department and after the issuance by the department of a Notice of Public Hearing (NOPH) under 23 CAR § 43-303.

Authority. Arkansas Code §§ 23-61-108, 25-15-203.

23 CAR § 43-311. Complaint forms.

(a)(1) For complaints filed at the State Insurance Department against licensees, the department strongly encourages that the complaint be submitted to the department under the form available at <https://sbs.naic.org/solar-web/pages/public/onlineComplaintForm/onlineComplaintForm.jsf?state=AR&dswid=-6015>.

(2) However, the department shall accept a complaint in any format or manner that sufficiently details and answers similar fields as those listed in the complaint form.

(b) Complaints should be filed by the named insured or authorized representative or attorney of the insured.

Authority. Arkansas Code §§ 23-61-108, 25-15-203.

23 CAR § 43-312. Electronic communications and filings.

(a) Any requirement under this subpart necessitating a document in writing may be satisfied if such communication is submitted through electronic means.

(b) However, the State Insurance Department may send by mail a complaint or Notice of Investigative Conference (NOIC) to a licensee at his or her last reported address, or may send a complaint to the department-reported or filed email address of the licensee.

Authority. Arkansas Code §§ 23-61-108, 25-15-203.

Subpart 4. Rulemaking Proceedings

23 CAR § 43-401. Generally.

The rulemaking procedures of the State Insurance Department shall follow the rulemaking provisions or requirements in Arkansas Code §§ 23-61-108 and 25-15-204, and all other legislative requirements in the Arkansas Code necessary to effectuate rulemaking, state legislative review, and approval of rules issued by the department.

Authority. Arkansas Code §§ 23-61-108, 25-15-203.

23 CAR § 43-402. Requirement of a public hearing.

Pursuant to Arkansas Code § 23-61-108(a)(3), the State Insurance Department shall hold a public hearing on all of its proposed rules without the limitation provided in Arkansas Code § 25-15-204(a)(2)(B) relating to at least twenty-five (25) persons requesting an oral hearing.

Authority. Arkansas Code §§ 23-61-108, 25-15-203.

23 CAR § 43-403. Persons requesting advance notice of rulemaking proceedings.

(a) The State Insurance Department shall provide advance notice to persons requesting notice as to rulemaking proceedings under Arkansas Code § 25-15-204(a)(1)(C), relating to advance notice to interested persons or stakeholders, by permitting such persons to receive such notices through a department email publication system in which such persons may register, located at <https://insurance.arkansas.gov/industry-regulation/legal/>.

(b) In addition, the department reasonably strives to separately and independently provide such advance notice to potentially interested persons or affected stakeholders that it may be aware of by estimation of the issue or issues raised by the proposed rule.

(c) However, the department strongly encourages interested persons to register for such advance notices in the email blast system located at <https://insurance.arkansas.gov/industry-regulation/legal/>.

Authority. Arkansas Code §§ 23-61-108, 25-15-203.

23 CAR § 43-404. Proposed rule website publication.

The State Insurance Department maintains a dedicated website at <https://insurance.arkansas.gov/industry-regulation/legal/proposed-rules/> for proposed rules and activities, which may be reviewed by the public or interested persons.

Authority. Arkansas Code §§ 23-61-108, 25-15-203.

23 CAR § 43-405. Transcripts and public comments.

The State Insurance Department shall provide on its dedicated website page for proposed rules a transcript of the public hearing with all of the required Arkansas

Legislative Council forms, rule drafts and markups, if any, and public comments in response to the rule, within a reasonable time following completion of the transcript by the court reporter.

Authority. Arkansas Code §§ 23-61-108, 25-15-203.

23 CAR § 43-406. Telephonic-based public comments during a rulemaking hearing.

The State Insurance Department reasonably strives to permit public comments to be submitted by phone into the administrative record during a rulemaking proceeding by providing a call-in number for such purposes sufficiently in advance of a public hearing that intends to receive public comments related to a proposed department rule.

Authority. Arkansas Code §§ 23-61-108, 25-15-203.

23 CAR § 43-407. Conduct of a rulemaking hearing.

The Insurance Commissioner or his or her appointed hearing officer shall have full authority to control the admission of any administrative documents, public comments, or testimony to be entered into the public record of a rulemaking hearing, and to otherwise maintain order, decorum, organization of the hearing itself, as well as authority to close or keep the public record open for an additionally stated time period.

Authority. Arkansas Code §§ 23-61-108, 25-15-203.

23 CAR § 43-408. Adoption of rule following a rulemaking hearing.

(a) The Insurance Commissioner is not required to formally adopt or approve a proposed rule in writing after a rulemaking hearing but may simply permit the promulgation process to continue onto the next steps of legislative review and approval of the proposed rule.

(b)(1) On the other hand, the commissioner, in his or her discretion, may withdraw a proposed rule following a hearing or re-notice a proposed rule for rehearing due to public comments, lack of public comments, or in the event there exist defects in the proposed rule related to the Arkansas Administrative Procedure Act, Arkansas Code § 25-15-201 et seq., or other legislatively required procedures or filings.

(2) The department shall:

(A) Communicate a withdrawal of a rule to the Bureau of Legislative Research and Legislative Council; and

(B) Notify interested parties of a withdrawal or rehearing of a rule in its email distribution system described in 23 CAR § 43-403.

Authority. Arkansas Code §§ 23-61-108, 25-15-203.

23 CAR § 43-409. Rulemaking notebook.

(a) At the time of a rulemaking hearing, the State Insurance Department creates and maintains a notebook providing:

(1) A list of contents;

(2) Any cabinet-level approvals;

(3) Public notices;

(4) Copies of the proposed final rule with any markup drafts;

(5) Any legislative filings of the proposed rule; and

(6) Any public comments received prior to the beginning of the rulemaking proceeding.

(b) Persons may request a copy of the proposed rule notebook from the department following the close of the rulemaking hearing.

Authority. Arkansas Code §§ 23-61-108, 25-15-203.

23 CAR § 43-410. Department bulletins and directives.

(a) From time to time, the State Insurance Department issues administrative bulletins or directives that:

(1) Provide department advisories or informal interpretations of insurance or licensing matters, notices of rulemaking activities, notices as to forms and updates to forms, or information related to activities in various regulated markets; or

(2) Address various other matters.

(b)(1) A bulletin or directive is not in and of itself legally binding.

(2) However, any laws or rules, as referenced and analyzed in a bulletin or advisory, may form the underlying basis of an alleged violation as explained in the publication.

(c) These announcements may be viewed at

<https://insurance.arkansas.gov/industry-regulation/legal/>.

(d) Interested persons may request that the Insurance Commissioner issue a bulletin or directive related to an issue or activity under department jurisdiction, but it shall be under the discretion of the commissioner whether to grant or deny such a request.

Authority. Arkansas Code §§ 23-61-108, 25-15-203.

23 CAR § 43-411. Department authority to issue rules to implement legislation.

(a)(1) The State Insurance Department shall timely issue rules when expressly mandated to do so by the General Assembly to implement legislation.

(2)(A) However, if the authority granted to the Insurance Commissioner under the law to issue rules is permissive or discretionary in nature, the commissioner is not automatically required to implement such legislation by rule for such laws to apply.

(B) In such cases, the law and requirements under the provisions of the law itself shall apply and go into effect upon subject licensees or organizations on the effective date of the law without the need for the department to preliminarily issue a promulgated rule.

(b) For laws providing discretionary rulemaking powers to the commissioner to implement enacted legislation under his or her enforcement purview, the commissioner has discretion to issue or not issue a rule, and such discretion shall be guided by factors that consider whether:

(1) The law itself is already sufficiently clear and comprehensive enough in design, requirements, and implementation that there is no substantial need for an implementational rule at this time;

(2) There is a significant ambiguity, conflict, or vagueness issue of a significant magnitude pertaining to the law, or section thereof, as raised from department complaints or department enforcement concerns, that necessitates an explanation or interpretation of an issue under a rule; or

(3) A rule is needed for promulgation to implement needed updates to conform with subsequently enacted legislation, National Association of Insurance Commissioners (NAIC) models, National Conference of Insurance Legislators (NCOIL) models, or the need to adjust to modern practices of the affected industry.

Authority. Arkansas Code §§ 23-61-108, 25-15-203.

23 CAR § 43-412. Department rules conforming with NAIC or NCOIL rule models or legislation.

(a) The State Insurance Department may promulgate rules, and amendments to such rules from time to time, if a state law or rule is based on a National Association of Insurance Commissioners (NAIC) or National Conference of Insurance Legislators (NCOIL) model.

(b) The Insurance Commissioner has discretion to promulgate such rules or amendments to model rules and adopt them either in their entirety or on a provision-by-provision basis.

(c) The department reasonably strives to update NAIC or NCOIL model rules once every five (5) years.

(d) The provisions or requirements of this subpart shall apply to the issuance by the department of model rules, or amendments thereof, in the same manner as any other administrative rule.

Authority. Arkansas Code §§ 23-61-108, 25-15-203.

23 CAR § 43-413. Department adoption of NAIC forms, requirements, and manuals.

(a) From time to time, the State Insurance Department may adopt:

(1) National Association of Insurance Commissioners (NAIC) forms, manuals, guides, filing requirements, and changes to such forms or guides; and

(2) Other NAIC requirements or standards.

(b) Depending upon the magnitude of the change or requirement, the department shall adopt such actions through the issuance of an administrative bulletin.

Authority. Arkansas Code §§ 23-61-108, 25-15-203.

Subpart 5. Miscellaneous Practices and Procedures

23 CAR § 43-501. Attorneys representing licensees not licensed in Arkansas.

Attorneys representing licensees in State Insurance Department administrative actions who are not licensed to practice law in Arkansas, but who are licensed to practice law in another state, may represent a licensee on a pro hac vice basis upon the filing of a motion, petition, or request for such status with the Insurance Commissioner.

Authority. Arkansas Code §§ 23-61-108, 25-15-203.

23 CAR § 43-502. Foreign language interpreters.

If given sufficient advance notice, the State Insurance Department may arrange for a foreign language interpreter to assist persons desiring to testify in adjudicative and rulemaking proceedings as described in this part.

Authority. Arkansas Code §§ 23-61-108, 25-15-203.

23 CAR § 43-503. Data or information requests to licensees relating to Governor-declared public emergencies, disasters, or catastrophes.

(a) In order for the State Insurance Department to evaluate the magnitude of losses, patterns, or practices related to coverages and claims that affect insurance matters, licensees shall respond to the department's requests for information related to statewide public emergencies, disasters, or catastrophes.

(b) Such requests shall be considered investigations under Arkansas Code § 23-61-103(d) and 23 CAR § 43-301 et seq.

(c) The department may, however, make an accelerated demand for information or data that requires an earlier response than otherwise permitted under this part if there is an imperative and immediate need for the information due to the magnitude of the public emergency or catastrophe.

Authority. Arkansas Code §§ 23-61-108, 25-15-203.

23 CAR § 43-504. Additional exceptions.

(a) The requirements in 23 CAR § 43-201 et seq., and 23 CAR § 43-301 et seq., pertaining to adjudicative actions and investigations shall not apply to the activities or practices of the:

- (1) Public Employee Claims Division of the State Insurance Department;
- (2) Criminal Investigation Division of the State Insurance Department;
- (3) Government Bonding Board; and
- (4) Liquidation Division of the State Insurance Department.

(b) Instead, the specific statute or statutes or rule or rules governing the activities or practices of those divisions or boards shall apply.

Authority. Arkansas Code §§ 23-61-108, 25-15-203.

23 CAR § 43-505. Approval of marketing or advertising publications.

Although the State Insurance Department may provide helpful guidance, the department shall not be required to review and approve marketing programs, advertising, or illustrations that are proposed to be used by licensees unless specifically required to approve such materials under the Arkansas Insurance Code or the department's administrative rules.

Authority. Arkansas Code §§ 23-61-108, 25-15-203.

23 CAR § 43-506. Informal legal opinions and surveys.

(a) Licensees and interested persons may request or engage in discussions or correspondence with State Insurance Department staff involving interpretations of various department rules or Arkansas Insurance Code provisions.

(b) However, such opinions or interpretations should not be considered officially binding upon the department or the Insurance Commissioner unless or until they are approved in an administrative order.

(c) Licensees and interested persons making such inquiries are encouraged to first review the department's laws, rules, bulletins, directives, and announcements for such information that are available on the official department website.

Authority. Arkansas Code §§ 23-61-108, 25-15-203.

23 CAR § 43-507. Certificates of compliance.

(a) Upon request of an insurer or other licensed organization or individuals, and to assist such licensees with licensure and registration in other states or with federal

programs, the State Insurance Department may issue certificates of compliance (COCs) for licensees.

(b)(1) The issuance or denial by the department of a COC:

(A) Shall not be considered an adjudicative proceeding under this part;

and

(B) Shall be granted or denied based upon whether the licensee is under good standing with the department's:

(i) Accounting Division;

(ii) Finance Division; and

(iii) Legal Division.

(2) "Good standing" means that the licensee:

(A) Is current as to all required payment of fees or taxes imposed by the department;

(B) Is not delinquent as to required financial and licensure filings; and

(C) Has not shown a history within the last five (5) years of violations of the Arkansas Insurance Code or department's administrative rules as reflected in department-issued orders.

Authority. Arkansas Code §§ 23-61-108, 25-15-203.

23 CAR § 43-508. Sharing of confidential information with state agencies jointly administering programs with the department.

(a) For purposes of Arkansas Code § 23-61-103(d), a state law enforcement agency shall include state agencies jointly administering programs with the State Insurance Department.

(b) The department may share with such agencies confidential information gathered through the program if:

(1) There is a substantial need for such information to be received by the state agency to implement or evaluate a program; and

(2) Such agencies agree in writing with the department for it to adhere to the same confidentiality restrictions related to disclosures that apply to the department.

Authority. Arkansas Code §§ 23-61-108, 25-15-203.

Subpart 6. Licensure

23 CAR § 43-601. Licensing.

(a)(1) All State Insurance Department actions regarding licensure are governed by the provisions of:

(A) Chapter 64 of the Arkansas Insurance Code (for insurance producers), codified at Arkansas Code § 23-64-101 et seq.; and

(B) Chapter 63 of the Arkansas Insurance Code (for insurers), codified at Arkansas Code § 23-63-101 et seq.

(2) However, the department regulates and licenses many other business organizations and individuals throughout the Arkansas Insurance Code or the department's administrative rules that are not insurance producers or insurers.

(b) Additional licensure rules and forms are available for review at the following department website:

<https://www.insurance.arkansas.gov/industry-regulation/legal/finalized-rules/>.

(c) The department encourages the public to explore, navigate, or browse the main department website for the acquisition or download of pertinent forms and information related to requirements of licensure of insurance producers, insurers, other individuals, or other business organization regulated by the department, which is located at <https://www.insurance.arkansas.gov/>.

Authority. Arkansas Code §§ 23-61-108, 25-15-203.

23 CAR § 43-602. Notice of State Insurance Department to licensees concerning this part.

(a) For licensees subject to 23 CAR § 43-201 et seq., and 23 CAR § 43-301 et seq., relating to administrative adjudications or investigations, such licensees shall be advised of the practices and procedures of the State Insurance Department announced in this part.

(b) The department may provide written notice to the licensee with a link to access the contents of this part on the department's website.

Authority. Arkansas Code §§ 23-61-108, 25-15-203.