

2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0425 DOC - Insurance Department

ACT#: 0171

SECTION#: 025

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

TRANSFER PROVISION. In the event the State Insurance Department is unable to maintain a full roster of examination personnel, and upon approval of the Chief Fiscal Officer of the State, the resulting unused appropriations in Regular Salaries, Extra Help, and Personal Services Matching may be transferred to the Professional Services special line item for the purpose of contracting with qualified individuals or firms for examination assistance.

The provisions of this section shall be in effect only from July 1, ~~2020~~ 2021 through June 30, ~~2021~~ 2022.

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EXECUTIVE RECOMMENDATION

ARKANSAS WORKS AND ARKANSAS HEALTH INSURANCE MARKETPLACE RESTRICTIONS. (a) As used in this section, "Arkansas Works" means Arkansas Works established under the Arkansas Works Act of 2016, Arkansas Code § 23-61-1001 et seq.

(b)(1) Determining the maximum number of employees, the maximum amount of appropriation, for what purposes an appropriation is authorized, and general revenue funding for a state agency each fiscal year is the prerogative of the General Assembly.

(2) The purposes of subdivision (b)(1) of this section are typically accomplished by:

- (A) Identifying the purpose in the appropriation act;
- (B) Delineating such maximums in the appropriation act for a state agency; and

(C) Delineating the general revenue allocations authorized for each fund and fund account by amendment to the Revenue Stabilization Law, Arkansas Code § 19-5-101 et seq.

(3) It is both necessary and appropriate that the General Assembly restrict the use of appropriations authorized in this act.

(c)(1) Except as provided in this subsection, the State Insurance Department shall conduct outreach and education activities that meet the standards of 45 C.F.R. § 155.200(c), as existing on January 1, 2019, to educate consumers about the Arkansas Health Insurance Marketplace and insurance affordability programs to encourage participation, including without limitation the use of navigators, guides, certified application counselors, and certified licensed producers under the Arkansas Health

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Insurance Marketplace Navigator, Guide, and Certified Application Counselors Act, § 23-64-601 et seq.

(2) The department shall not advertise, promote, or engage in other activities designed to promote or encourage enrollment in the Arkansas Works Program established by the Arkansas Works Act of 2016, § 23-61-1001 et seq., including without limitation:

(A) Unsolicited communications mailed to potential recipients;

(B) Television, radio, or online commercials;

(C) Billboard or mobile billboard advertising;

(D) Advertisements in newspapers, magazines, or other print media; and

(E) Advertisements on websites or other electronic media.

(3) Subdivision (c)(2) of this section does not prohibit the department from:

(A) Engaging in direct communications with:

(i) Licensed insurance agents; and

(ii) Persons licensed by the department;

(B) Engaging in solicited communications with potential recipients;

(C)(i) Responding to an inquiry regarding the coverage for which a potential recipient might be eligible, including without limitation providing educational materials or information regarding any coverage for which the potential recipient might qualify.

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(ii) Educational materials and information distributed under subdivision (c)(3)(C)(i) of this section shall contain only factual information and shall not contain subjective statements regarding the coverage for which the potential recipient might be eligible; and

(D) Using a website for the exclusive purpose of enrolling individuals in the program.

(d) The department shall not 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 or the program.

(e)(1) Biannually, the department shall report to the Legislative Council regarding the use of navigators, guides, certified application counselors, and certified licensed producers under the Arkansas Health Insurance Marketplace Navigator, Guide, and Certified Application Counselors Act, § 23-64-601 et seq.

(2) The report shall include without limitation:

(A) The number of navigators, guides, certified application counselors, and certified licensed producers;

(B) The number of recipients assisted by the navigators, guides, certified application counselors, and certified licensed producers to obtain coverage; and

(C) The number of recipients assisted by the navigators, guides, certified application counselors, and certified licensed producers to obtain coverage and who obtained coverage through the program.

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(f) This section expires on June 30, ~~2020~~ 2021.

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EXECUTIVE RECOMMENDATION

INSURANCE BUILDING CONSTRUCTION FUNDING PROVISION. Upon request of the Commissioner, approval of the Chief Fiscal Officer of the State, and prior review by the Arkansas Legislative Council or Joint Budget Committee, the State Insurance Department may retain an amount above that which is set out in A.C.A. 23-61-710(c) for the purposes of providing funding for the construction and renovation of Department facilities, not to exceed eight million dollars (\$8,000,000) in a single biennium. The amount being requested must be submitted to the Chief Fiscal Officer of the State by April 1st of each fiscal year.

AGENCY REQUEST

The provisions of this section shall expire on June 30, ~~2021~~ 2022.