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SECRETARY OF COMMERCE

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INSURANCE COMMISSIONER,  
ARKANSAS INSURANCE  
DEPARTMENT

June 15, 2022

**BULLETIN NO. 09-2022**

**TO: HEALTH INSURERS, HEALTH MAINTENANCE ORGANIZATIONS, HOSPITAL PUBLIC SERVICE CORPORATIONS, HEALTHCARE PAYORS, AND OTHER INTERESTED PARTIES**

**FROM: ARKANSAS INSURANCE DEPARTMENT**

**SUBJECT: ACT 965 REPORTS "AN ACT TO ESTABLISH THE ARKANSAS FAIRNESS IN COST SHARING ACT"**


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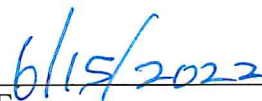
Pursuant to Act 965 of 2021, "An Act To Establish The Arkansas Fairness in Cost Sharing Act," now codified at Ark. Code Ann. §§ 23-79-2301 et seq., and § 23-92-511, health insurers and health maintenance organizations in the fully insured market are required to submit a report to the Commissioner describing "plan-specific information related to savings and accountability to document how enrollees are realizing a cost savings under each plan."

The Commissioner interprets this Act to require a written report from health insurers describing the savings derived from the receipt of pharmaceutical manufacturer rebates by the health benefit plans and how these rebates are applied to reduce "cost-sharing requirements" for consumers who are enrolled in health benefit plans with prescription drug benefits. The Act defines "cost-sharing requirement" to mean a copayment, coinsurance, deductible, or annual limitation subject to the Patient Protection and Affordable Care Act that is required by or on behalf of an enrollee in order to receive a specific healthcare service, including a prescription drug, covered by a health benefit plan.

Health insurers and health maintenance organizations subject to the Act shall file a written report with the Commissioner on or before January 1<sup>st</sup> of each year discussing how, or the extent to which, manufacturer rebates were received and used to help reduce "cost-sharing requirements" for enrollees of health benefit plans. The format of the written report may be in narrative form.

Please direct any inquires to Legal Division via telephone 501-371-2820 or email [insurance.legal@arkansas.gov](mailto:insurance.legal@arkansas.gov).

  
ALAN McCLAIN  
INSURANCE COMMISSIONER  
STATE OF ARKANSAS

  
DATE