

Arkansas Insurance Department

Asa Hutchinson
Governor



Alan McClain
Commissioner

Public Health Emergency Regulatory Suspensions Pursuant to Executive Orders 20-06 & 20-16

On March 17, 2020, Governor Asa Hutchinson issued Executive Order 20-06 ordering state agencies to “identify provisions of any regulatory statute, agency order or rule that in any way prevents, hinders, or delays the agency’s ability to render maximum assistance” to Arkansans during the COVID-19 health emergency.

The Order instructs state agencies to identify regulatory statutes, orders, and rules that are hindering or preventing the rapid response necessary to combat the spread of and recovery from COVID-19. The Order requires agencies to identify any such statutes, orders, or rules on its website.

On April 13, 2020, Governor Hutchinson issued Executive Order 20-16 amending EO 20-06 to order state agencies to “continue to identify provisions of any regulatory statute, agency order or rule that in any way prevents, hinders, or delays the agency’s ability to render maximum assistance” to Arkansans:

- Adhering to guidelines to prohibit the spread of disease; or
- Seeking assistance from the state to obtain benefits or services in response to or mitigate the spread of COVID-19.

Under the terms of Executive Order 20-16, the period of the suspensions listed in this document are deemed to have started on March 17, 2020 and will continue for the duration of this emergency.

The Arkansas Insurance Commissioner has identified certain statutes in the Insurance Code and rules issued by the Department that he deems a hinderance to mitigating the spread of COVID-19. They are:

PRIOR AUTHORIZATION PRACTICES AND PROTOCOLS BY HEALTHCARE INSURERS AND HMO’S

Prior Authorization Transparency Act (Ark. Code Ann. § 23-99-1101 *et seq.*)

- For cases involving COVID-19 patients, the prior authorization requirements found in Ark. Code Ann. §§ 1105, 1106, and 1107, are suspended.

AID Rule 115 – Prior Authorization Transparency Act

- For cases involving COVID-19 patients, § 8 of AID Rule 115 relative to the requirements of Ark. Code Ann. § 23-99-1109(b)(1) is suspended.

With this action, the Arkansas Insurance Commissioner is temporarily prohibiting a healthcare insurer's or HMO's prior authorization or step therapy practices or protocols which are referenced and regulated under the Prior Authorization Transparency Act and Section Eight of AID Rule 115 for cases involving COVID-19 patients.

STATE BOARD OF EMBALMERS, FUNERAL DIRECTORS, CEMETERIES, AND BURIAL SERVICES

- In order to mitigate the spread of COVID-19 via in-person contact, Ark. Code Ann. § 23-61-1106(c)(1) authorizing in-person inspections of establishments regulated by the Board by AID personnel is suspended.

DOMESTIC CAPTIVE INSURANCE COMPANIES

- In order to mitigate the spread of COVID-19 via in-person contact and to limit travel by out-of-state directors of domestic captive insurers, Ark. Code Ann. § 23-63-1602(b)(2) requiring at least one (1) board of directors meeting annually in Arkansas is deemed to include the method of remote communication to satisfy the requirement.

Additionally, pursuant to EO 20-06 and EO 20-16, this document will be published on the Arkansas Insurance Department website, <http://insurance.arkansas.gov>.



ALAN MCCLAIN
INSURANCE COMMISSIONER
STATE OF ARKANSAS

April 15, 2020

DATE