

# A.C.A. § 23-76-104

## Copy Citation

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- [AR - Arkansas Code Annotated](#)
- [Title 23 Public Utilities and Regulated Industries](#)
- [Subtitle 3. Insurance](#)
- [Chapter 76 Health Maintenance Organizations](#)

### 23-76-104. Arkansas Insurance Code sections applicable to health maintenance organizations.

(a) Except to the extent that the Insurance Commissioner determines that the nature of health maintenance organizations, healthcare plans, and evidences of coverage render such sections clearly inappropriate, the following sections are applicable to health maintenance organizations:

- (1) Sections 23-60-101 — 23-60-108 and 23-60-110, referring to scope of the Arkansas Insurance Code;
- (2) Section 23-61-101 et seq., § 23-61-201 et seq., and § 23-61-301 et seq., referring to the Insurance Commissioner;
- (3) Sections 23-63-102 — 23-63-104, § 23-63-201 et seq., general provisions, and § 23-63-301 et seq., referring to service of process, a registered agent as process agent, serving legal process, and time to plead;
- (4) Section 23-63-601 et seq., referring to assets and liabilities, and § 23-63-901 et seq., referring to administration of deposits;
- (5) Section 23-63-1501 et seq., referring to risk-based capital requirements;
- (6) Section 23-64-101 et seq., § 23-64-201 et seq., and § 23-64-501 et seq., referring to agents, brokers, solicitors, and adjusters;
- (7) The Trade Practices Act, § 23-66-201 et seq.; §§ 23-66-301 — 23-66-306 and 23-66-308 — 23-66-314; and § 23-66-501 et seq., referring to trade practices and frauds;
- (8) Section 23-68-101 et seq., referring to rehabilitation and liquidation;
- (9) Section 23-69-134, referring to home office and records and the penalty for unlawful removal of records;
- (10) Section 23-69-156, referring to extinguishing unused corporate charters;
- (11) Sections 23-75-104, 23-75-105, and 23-75-116, referring to hospital and medical service corporations;
- (12) Sections 23-79-101 — 23-79-107, 23-79-109 — 23-79-128, 23-79-131 — 23-79-134, and 23-79-202 — 23-79-210, referring to insurance contracts;
- (13) Sections 23-85-101 — 23-85-132, 23-85-134, and 23-85-136, referring to individual accident and health insurance;
- (14) Sections 23-86-101 — 23-86-104, 23-86-106, 23-86-108 — 23-86-111, 23-86-113 — 23-86-117, 23-86-119, 23-86-120, § 23-86-201 et seq., § 23-86-301 et seq., and § 23-86-401 et seq., referring to blanket and group accident and health insurance;
- (15) Section 23-99-201 et seq., § 23-99-301 et seq., § 23-99-401 et seq., § 23-99-501 et seq., § 23-99-601 et seq., and § 23-99-701 et seq., referring to healthcare providers;
- (16) Section 23-64-515, referring to notice of termination of appointment; and
- (17) The Arkansas Life and Health Insurance Guaranty Association Act, § 23-96-101 et seq., referring to the Arkansas Life and Health Insurance Guaranty Association.

#### (b)

- (1) A health maintenance organization domiciled or applying to be domiciled in this state may elect to be subject to the Insurance Holding Company Regulatory Act, § 23-63-501 et seq., by:
  - (A) Written notice in its application at the time the health maintenance organization applies to be domiciled in Arkansas; or
  - (B) Providing thirty (30) days' prior written notice to the commissioner if the health maintenance organization was domiciled in Arkansas on March 22, 2007.
- (2) An election under this subsection:
  - (A) Shall not be revoked;
  - (B) Requires that if a modification is required to be reported or filed under the Insurance Holding Company Regulatory Act, § 23-63-501 et seq., the health maintenance organization shall comply with the provisions concerning notice of major modifications to the operation of the health maintenance organization

under the Insurance Holding Company Regulatory Act, § 23-63-501 et seq., instead of the provisions concerning notice of major modifications to the operation of the health maintenance organization under § 23-76-107(d); and

**(C)** Does not affect the duty of a health maintenance organization to make any other filing required under § 23-76-107(d) that is not required by the Insurance Holding Company Regulatory Act, § 23-63-501 et seq.

**(c)** If a health maintenance organization does not elect to be subject to the Insurance Holding Company Regulatory Act, § 23-63-501 et seq., it shall be subject to § 23-69-142 regarding mergers, consolidations, and acquisitions.