

# Arkansas Insurance Department

Asa Hutchinson  
Governor



Allen Kerr  
Commissioner

June 1, 2017

BULLETIN NO.: 7-2017

TO: ALL LICENSED ACCIDENT AND HEALTH INSURERS, NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS, PRODUCERS AND COMPANY TRADE ASSOCIATIONS AND OTHER INTERESTED PARTIES.

FROM: ARKANSAS INSURANCE DEPARTMENT

SUBJECT: APPLICATION OF MAMMOGRAPHY MANDATE UNDER ACT 708 OF 2017 TO INCOME DISABILITY POLICIES

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This Bulletin addresses the Arkansas Insurance Department's enforcement position on the application of Act 708 of 2017 by 91<sup>st</sup> Arkansas General Assembly, "An Act Concerning Mammograms Under an Insurance Policy" (the "Mammography Coverage Mandate"). As written, the Mammography Coverage Mandate applies to "every accident and health insurer, health maintenance organization, and hospital service corporation." The Act however was intended to apply to what we traditionally consider as "health insurance policies, health benefit contracts, or health benefit plans," which are plans or contracts issued by health insurance companies or HMOs which cover and provide medical or health services mandated by state or federal law in the fully insured market. It was not intended to apply to disability income policies or issuers of disability accident policies or to accidents only, specified disease, hospital indemnity, long-term care, disability income, supplemental insurance, medicare supplement, or other limited liability policies. These products are primarily structured to provide income benefits arising from injuries from accidents, and are not intended to function as "health insurance."

The purpose of this bulletin is to advise the health insurance industry that the Department does not interpret, and will not enforce, the mammography mandate to be applicable to disability income policies or issuers of disability accident policies or to accidents only, specified disease, hospital indemnity, long-term care, disability income, supplemental insurance, medicare supplement, or other limited liability policies. The Department will clarify this matter in the next regular session of the legislature.

For any questions regarding this Bulletin, please contact Booth Rand in the Legal Division of the Arkansas Insurance Department at 501-371-2820.

  
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STATE OF ARKANSAS

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DATE