

# Arkansas Insurance Department

Asa Hutchinson  
Governor



Allen Kerr  
Commissioner

JULY 22, 2019

BULLETIN NO. 7 - 2019

**TO: ALL LICENSED PHARMACY BENEFIT MANAGERS, HEALTH INSURERS, HEALTH MAINTENANCE ORGANIZATIONS, HOSPITAL/MEDICAL SERVICE CORPORATIONS, AND OTHER INTERESTED PARTIES**

**FROM: ARKANSAS INSURANCE DEPARTMENT**

**SUBJECT: ACT 994 OF 2019 REBATE & "SPREAD" REPORTING REQUIREMENTS**

This Bulletin is directed to pharmacy benefit managers, health insurers and HMOs related to Arkansas enacted rebate reporting requirements in Act 994 of 2019, in "An Act To Clarify The State Insurance Department's Regulatory And Enforcement Authority Concerning Pharmacy Benefit Managers." Section Nine (9) of this Legislation, now codified in Ark. Code Ann. § 23-92-505(b)(1), requires pharmacy benefit managers ("PBMs") and healthcare insurers to report various data related to pharmaceutical manufacturing rebates, as well as "spread reporting," on a quarterly basis to the Arkansas Insurance Commissioner ("Commissioner"). The provisions in Section Nine (9) go into effect on or after July 24, 2019.

The Arkansas Insurance Department ("AID") is currently in the process of designing a form or format to capture the required rebate and "spread" data. In order to provide uniformity and consistency as to what is submitted by various entities, AID intends to file a rule with a requisite uniform form within the next several months. The purpose of this Bulletin is to advise the affected PBMs and healthcare insurers that they do not need to submit the statutorily described quarterly data until AID has developed a form and rule. AID will go back and capture the information in the last two quarters of 2019, following promulgation of the rule and form.

For questions related to this Bulletin, please contact Booth Rand, at the Department, (501) 371-2820.

ALLEN KERR  
INSURANCE COMMISSIONER  
STATE OF ARKANSAS

July 22, 2019  
DATE