

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

As Engrossed: S2/25/15 H3/12/15

A Bill

SENATE BILL 487

5 By: Senators Rapert, Caldwell, J. Hutchinson, Maloch, G. Stubblefield, J. Hendren
6 By: Representatives D. Douglas, Broadaway, Eubanks, D. Ferguson, Jett, Vaught
7

For An Act To Be Entitled

9 AN ACT TO MODIFY THE DEFINITION OF A THIRD-PARTY
10 ADMINISTRATOR USED BY MULTIPLE EMPLOYER TRUSTS AND
11 SELF-INSURED PLANS; AND FOR OTHER PURPOSES.
12
13

Subtitle

15 TO MODIFY THE DEFINITION OF A THIRD-PARTY
16 ADMINISTRATOR USED BY MULTIPLE EMPLOYER
17 TRUSTS AND SELF-INSURED PLANS.
18
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

22 SECTION 1. Arkansas Code § 23-92-201 is amended to read as follows:
23 23-92-201. Definition.

24 (a) As used in this subchapter, "third-party administrator" means ~~any~~
25 a person, firm, or partnership that collects or charges premiums from or
26 adjusts or settles claims on residents of this state in connection with life
27 or accident and health coverage provided by a self-insured plan or a multiple
28 employer trust or multiple employer welfare arrangement.

29 (b) ~~"Third-party~~ As used in this subchapter, "third-party
30 administrator" includes:

31 (1) An administrative-services-only ~~contracts~~ contract offered
32 by insurers and health maintenance organizations; and

33 (2) A pharmacy benefits manager that administers or manages a
34 pharmacy benefits plan or program that furnishes, covers the cost of, or
35 otherwise provides for the practice of pharmacy as defined in § 17-92-101
36 under any life and accident and health coverage provided in this state by a



1 self-insured plan, a multiple employer trust, or a multiple employer welfare
2 arrangement.

3 (c) but As used in this subchapter, "third-party administrator" does
4 not include the following persons:

5 (1) An employer, for its employees or for the employees of a
6 subsidiary or affiliated corporation of the employer;

7 (2) A union, for its members;

8 (3) An insurer or health maintenance organization licensed to do
9 business in this state;

10 (4) A creditor, for its debtors, regarding insurance covering a
11 debt between them;

12 (5) A credit card-issuing company that advances for or collects
13 premiums or charges from its credit card holders as long as that company does
14 not adjust or settle claims;

15 (6) An individual who adjusts or settles claims in the normal
16 course of his or her practice or employment and who does not collect charges
17 or premiums in connection with life or accident and health coverage; or

18 (7) An agency licensed by the Insurance Commissioner and
19 performing duties pursuant to an agency contract with an insurer authorized
20 *to do business in this state.*

21
22 *SECTION 2. Arkansas Code Title 23, Chapter 92, Subchapter 2, is*
23 *amended to add an additional section to read as follows:*

24
25 *23-92-209. Authority of Insurance Commissioner.*

26 *No provision in this subchapter establishing standards applicable to a*
27 *third-party administrator's certificate of registration under § 23-92-203(d)*
28 *or fiduciary standards under § 23-92-206 authorizes the Insurance*
29 *Commissioner to regulate the actions of a third-party administrator that is*
30 *administering the requirements authorized by or required of a self-insured*
31 *plan or trust, for purposes of revocation or suspension of a third-party*
32 *administrator's certificate of registration.*

33
34 /s/Rapert