

**Executive Summary**  
**Arkansas Insurance Department**  
**Proposed Amended 23 CAR pt 142**  
**Vision Care Plan Coverage**

Legislative Authority for Rule

Arkansas Code Ann. §§ 23-61-108, 23-99-1005(a)

Background and Purpose of Rule

Act 142 of 2025 amended the Vision Care Plan Act of 2015, codified at Ark. Code Ann. §§ 23-99-1001, et seq.

23 CAR pt 142, the rule promulgated to enforce the Vision Care Plan Act of 2015, must now be amended to comply with Act 142 of 2025.

Explanation of the Proposed Rule

23 CAR pt 142 must be updated to comply with Act 142 of 2025.

Under Section 3 of Act 142, codified at Ark. Code Ann. § 23-99-1003(d), the reimbursement from a vision plan to a vision care provider for a covered service or covered materials shall not be less than “nominal or de minimis” – a term used in the Act – or less than the current calendar year Medicare reimbursement rate. The proposed amended rule explains that a reimbursement for a covered service that is greater than or equal to the Medicare Physician Fee Schedule for the applicable or similar service, regardless of whether the service is eligible for Medicare coverage, shall not be considered a violation. In addition, the proposed amended rule provides that a reimbursement for covered materials shall not be “nominal or de minimis.”

The proposed amended rule adds “vision benefit managers” to the list of vision coverage providers subject to the rule. It repeals the term “de minimis” as currently used in 23 CAR § 142-102(a)(2) to avoid confusion with the term “nominal or de minimis” as used in Act 142. Finally, the proposed rule clarifies that the rule does not apply to plans exempt from state regulation, removes obsolete language, and clarifies the Act’s recoupment provision.

The Arkansas Optometric Association will likely comment in favor of the rule. The National Association of Vision Care Plans and the American Council of Life Insurers testified against the passage of Act 142 and they may oppose the proposed amended rule, as well. In addition, EyeMed, a vision benefit and network administrator, will likely oppose the proposed amended rule's reimbursement provision.

AID requests an exception to the repeal requirement in Executive Order 23-02 because AID has no rules left to repeal, and this amended rule is needed to ensure compliance with Act 142 of 2025.