



Hugh McDonald  
SECRETARY OF COMMERCE

Jimmy Harris  
COMMISSIONER,  
ARKANSAS INSURANCE  
DEPARTMENT

Date: March 11, 2026

To: All Licensed Insurers, Health Maintenance Organizations, Trade Organizations, NAIC and Other Interested Parties

From: Arkansas Insurance Department

### **Notice of Public Hearing**

The Arkansas Insurance Department will host a Public Hearing on April 17, 2026, at 9:00 a.m., in the Diamond Mine Room, in the Arkansas Department of Commerce Building, One Commerce Way, Little Rock, Arkansas 72202. The Arkansas Insurance Commissioner is considering adopting proposed amended Rule 23 CAR pt 142, "Vision Care Plan Coverage," 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.

All interested persons are encouraged to attend the Public Hearing and may appear and present, orally or in writing, any statements, arguments, or opinions on the proposed amended Rule 23 CAR pt 142. Any written or oral comments regarding proposed amended Rule 23 CAR pt 142 will be accepted from now until 5:00 pm, April 17, 2024. The Legal Division requests that persons desiring to testify at the hearing notify the Legal Division as soon as possible and submit intended statements in writing in advance of the hearing via email [insurance.legal@arkansas.gov](mailto:insurance.legal@arkansas.gov). Copies of the proposed

Rule may be obtained by writing or calling the Arkansas Insurance Department at 501-371-2820, or by visiting its Internet site at <https://portal.insurance.arkansas.gov/LegalPubsPublic/web/proposed-rules/index>