

**Clara Mezza**

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**From:** Webb, Kara C. <KCWebb@AOA.ORG>  
**Sent:** Friday, April 17, 2026 12:18 PM  
**To:** Insurance.Legal  
**Subject:** Proposed Amendment Rule 23 CAR pt 142, "Vision Care Plan Coverage"  
**Attachments:** AR regs aoa.pdf

**CAUTION: External Email**

Good afternoon,

Attached are comments from the American Optometric Association regarding the Proposed Amendment for Rule 23 CAR pt 142, "Vision Care Plan Coverage."

Thank you for your time and consideration.

Kara

Kara Webb  
Chief Strategy Officer  
American Optometric Association  
571.239.8260





# AMERICAN OPTOMETRIC ASSOCIATION

April 18, 2026

Ms. Sara Farris  
Arkansas Insurance Department  
1 Commerce Way, Suite 102  
Little Rock, AR 72202

RE: Proposed Amended Rule 23 CAR pt 142, "Vision Care Plan Coverage"

Ms. Farris,

The American Optometric Association (AOA) respectfully submits these comments strongly supporting Proposed Amended Rule 23 CAR pt 142 implementing Act 142 of 2025. These regulations are essential to ensuring full implementation of the Act. Absent clear regulatory guidance, we are concerned that vision benefit managers (VBMs) will continue to pursue practices designed to circumvent the statute's clear intent. Moreover, the proposed regulations appropriately address the very confusion that VBMs have asserted Act 142 has created.

We understand that some VBMs have expressed uncertainty regarding the Act's prohibited practices related to reimbursement. VBMs have suggested that the reimbursement provision would not apply unless there is an established Medicare reimbursement rate for the specific service or material provided under a private plan. As drafted, the regulations appropriately clarify that the reimbursement provision applies regardless of whether Medicare covers the specific service or item. In practice, for example, the rule makes clear that when an eye exam is covered by a VBM, reimbursement should be paid at the Medicare rate. We believe this interpretation is fully consistent with the Legislature's intent. We also appreciate the regulations' explicit clarification that reimbursement for covered materials must be more than nominal or de minimis.

We also believe it's important for the Arkansas Department of Insurance to be aware that at least one VBM has begun suggesting use of S codes to report eye exams, rather than the standard CPT codes (CPT 92002, 92012, 92004 and 92014). The S codes currently do not appear on the Medicare Physician Fee Schedule. We are concerned that suggesting use of the S codes may be an additional attempt to evade the requirements of Act 142. Other provisions of the Vision Care Plan Act of 2015 also prohibit this intentional gamesmanship to avoid clear prohibitions under the law. We would like to ensure that the Department is aware that the AOA is concerned with this approach and we oppose the use of S codes when utilized for the purpose of circumventing, undermining, or subverting applicable state law. We believe any attempt to use such codes to avoid statutory requirements, bypass legal obligations, or create outcomes inconsistent with state law is improper and unacceptable.

We further commend the Department for its clarity in addressing the Act's recoupment provisions. Our association frequently hears from doctors who, acting in good faith, verify a patient's benefits, provide care, and are later informed that they must absorb the cost because the VBM's own beneficiary coverage information was inaccurate. AOA has raised this issue directly with VBMs due to the significant and ongoing burden inaccurate benefit information places on optometric practices. In those discussions, we have been told that at least one VBM believes such errors are rare. If that is indeed the case, the large

conglomerate VBMs should be well positioned to absorb the cost of care resulting from their own inaccurate information, rather than shifting that financial burden onto doctors and their patients.

The American Optometric Association appreciates the efforts of the Department to implement Act 142 and respectfully urges adoption of Proposed Amended Rule 23 CAR pt 142.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jacquie Bowen".

Jacquie Bowen, O.D.  
President, American Optometric Association