

Arkansas Insurance Department

Sarah Huckabee Sanders
Governor



Alan McClain
Commissioner

May 24, 2023

BULLETIN NO. 10-2023

TO: ALL INSURANCE CARRIERS DOING BUSINESS IN THIS STATE, ANY OTHER INTERESTED PARTIES

FROM: ARKANSAS INSURANCE DEPARTMENT

SUBJECT: RELEASING INFORMATION TO CRIMINAL INVESTIGATION DIVISION

The Arkansas Insurance Department is issuing this Bulletin to assist insurance carriers concerning the release of documents to the Criminal Investigation Division.

Ark. Code Ann. § 23-66-505(d)(1) provides that when requested by the “commissioner, or the commissioner’s employees, examiners, investigators, agents, or representatives, a person engaged in the business of insurance shall provide to the commissioner all information the commissioner deems relevant pertaining to any investigation of a fraudulent act or related criminal violation.” This information includes but is not limited to, witness statements, insured statements, and any statements under oath.

Subsection (d)(2) further provides that “the refusal of a person to fully comply with the commissioner’s request for information is grounds for the suspension, revocation, denial, or nonrenewal of any license or authority held by the person to engage in an insurance or other business subject to the commissioner’s jurisdiction.”

Ark. Code Ann. § 23-66-508(c)(1)(A) further authorizes the Criminal Investigation Division to “issue subpoenas to examine any individual under oath and to compel the production of records, books, papers, contracts, and other documents.”

Pursuant to Ark. Code Ann. § 23-61-103(d)(1), any such records, recordings, transcripts, books, papers or other documents produced to the Criminal Investigation Division shall remain confidential and privileged while the investigation is active. At such time as the investigation is no longer active, if the company or other person wishes for the records, recordings, transcripts, books, papers or other documents to remain confidential and privileged, then the company or other person shall request in writing that such documents remain confidential and privileged after the investigation is no longer active.

For questions related to this bulletin, please contact Amanda Gibson, Managing Attorney, at (501) 371-2820.

ISSUED this 24th day of May, 2023.



Alan McClain
INSURANCE COMMISSIONER