Stricken language would be deleted from and underlined language would be added to present law. Act 543 of the Regular Session

1	State of Arkansas	As Engrossed: H3/2/17	
2	91st General Assembly	A Bill	
3	Regular Session, 2017		HOUSE BILL 1592
4			
5	By: Representatives Leding, Murdock, Jett, D. Ferguson, G. Hodges, Lundstrum, McCollum, Richey, D.		
6	Whitaker, Vaught		
7	By: Senators Standridge, Elliott, S. Flowers, Teague		
8			
9	For An Act To Be Entitled		
10	AN ACT TO PROVIDE PARITY IN HEALTH BENEFIT PLAN		
11	COVERAGE BETWEEN ORALLY ADMINISTERED ANTICANCER		
12	MEDICATION AND INTRAVENOUSLY ADMINISTERED ANTICANCER		
13	MEDICATION; AND FOR OTHER PURPOSES.		
14			
15			
16		Subtitle	
17	TO PI	ROVIDE PARITY IN HEALTH BENEFIT PLA	AN
18	COVE	RAGE BETWEEN ORALLY ADMINISTERED	
19	ANTI	CANCER MEDICATION AND INTRAVENOUSLY	Y
20	ADMII	NISTERED ANTICANCER MEDICATION.	
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22			
23	BE IT ENACTED BY THE G	GENERAL ASSEMBLY OF THE STATE OF AR	RKANSAS:
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25	SECTION 1. Effe	ective January 1, 2018, Arkansas Co	ode Title 23, Chapter
26	79, Subchapter 1, is a	amended to add an additional sectio	on to read as follows:
27	23-79-161. Paym	ment for oral anticancer medication	s - Definitions.
28	(a) As used in	this section:	
29	<u>(1) "Anti</u>	icancer medication" means any drug	or biologic that is
30	used to kill, slow, or	r prevent the growth of cancerous c	eells;
31	<u>(2)(A) "H</u>	Health benefit plan" means any grou	ıp or blanket plan,
32	policy, or contract for healthcare services issued, renewed, or extended in		
33	this state and outside this state for an enrollee or certificate holder who		
34	is a resident of this state by healthcare insurers, including indemnity and		
35	managed care plans and	d the plans providing health benefi	ts to state and
36	nublic school employee	es under § 21-5-401 et seg., but ex	cluding individual

major medical plans and plans providing healthcare services under Arkansas 1 2 Constitution, Article 5, § 32, the Workers' Compensation Law, § 11-9-101 et 3 seq., and the Public Employee Workers' Compensation Act, § 21-5-601 et seq. 4 (B) "Health benefit plan" does not include an accident-5 only, specified disease, hospital indemnity, Medicare supplement, long-term 6 care, disability income, or other limited benefit health insurance policy; 7 and 8 (3) "Healthcare insurer" means any insurance company, hospital and medical service corporation, or health maintenance organization issuing 9 10 or delivering health benefit plans in this state and that is subject to any 11 of the following laws: 12 (A) The insurance laws of this state; 13 (B) Section 23-75-101 et seq., pertaining to hospital and 14 medical service corporations; and 15 (C) Section 23-76-101 et seq., pertaining to health 16 maintenance organizations. 17 (b) Every health benefit plan that is issued, renewed, or extended in 18 this state and every group health benefit plan that is issued, renewed, or 19 extended outside this state, for an enrollee or certificate holder who is a 20 resident of this state that provide coverage for anticancer medications that 21 are injected or intravenously administered by a healthcare provider or a 22 patient shall not require a higher copayment, coinsurance, or deductible 23 amount for orally administered anticancer medications than the health benefit 24 plan requires for injected or intravenously administered anticancer 25 medications regardless of the formulation or benefit category determination 26 by the health benefit plan. 27 (c)(1) A healthcare insurer shall not impose a copayment, coinsurance, 28 or a deductible amount or a combination of a copayment, coinsurance, or a 29 deductible amount charged to the insured for orally administered anticancer 30 medications that is greater than the copayment, coinsurance, or deductible amount charged to the insured for injected or intravenously administered 31 32 anticancer medications. 33 (2) A healthcare insurer shall not reclassify benefits with 34 respect to cancer treatment medications or increase a copayment, deductible, 35 or coinsurance amount for covered cancer treatment medications that are

injected or intravenously administered unless:

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As Engrossed: H3/2/17 HB1592

1	(A) The increase is applied generally to other medical or			
2	pharmaceutical benefits covered under the plan and is not done to circumvent			
3	subdivision (c)(1) of this section;			
4	(B) The reclassification of benefits with respect to			
5	cancer treatment medications is done in a manner that is consistent with this			
6	section; or			
7	(C) A healthcare insurer is applying cost-sharing			
8	increases consistent with the annual increases in the cost of health care.			
9	(d)(1) A health benefit plan may adopt policies to ensure that claims			
10	for coverage of orally administered anticancer medications submitted for			
11	payment comply with the same coding, documentation, and other requirements			
12	necessary for payment as those claims for coverage of injected or			
13	intravenously administered anticancer medications.			
14	(2) The commissioner shall promulgate rules as may be necessary			
15	to implement this section.			
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17	/s/Leding			
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20	APPROVED: 03/21/2017			
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