

1 State of Arkansas  
2 92nd General Assembly  
3 Regular Session, 2019  
4

# A Bill

HOUSE BILL 1864

5 By: Representative D. Ferguson  
6

## For An Act To Be Entitled

8 AN ACT TO AMEND THE PRIOR AUTHORIZATION TRANSPARENCY  
9 ACT; TO PROHIBIT PRIOR AUTHORIZATION FOR MEDICATION-  
10 ASSISTED TREATMENT; TO DECLARE AN EMERGENCY; AND FOR  
11 OTHER PURPOSES.  
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## Subtitle

14 TO AMEND THE PRIOR AUTHORIZATION  
15 TRANSPARENCY ACT; TO PROHIBIT PRIOR  
16 AUTHORIZATION FOR MEDICATION-ASSISTED  
17 TREATMENT; AND TO DECLARE AN EMERGENCY.  
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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23 SECTION 1. Arkansas Code § 23-99-1103(8), concerning the definition of  
24 "healthcare insurer" under the Prior Authorization Transparency Act, is  
25 amended to read as follows:

26 (8)(A)(i) "Healthcare insurer" means an entity that is subject  
27 to state insurance regulation, including an insurance company, a health  
28 maintenance organization, self-insured health plan for employees of a  
29 governmental entity, and a hospital and medical service corporation, a risk-  
30 based provider organization, and a sponsor of a nonfederal self-funded  
31 governmental plan.

32 (ii) "Healthcare insurer" includes Medicaid where  
33 specifically referenced in § 23-99-1119.

34 (B) "Healthcare insurer" does not include:

35 (i) workers' compensation plans or A workers'  
36 compensation plan; or



1                   (ii) Medicaid, except as provided under § 23-99-  
 2 1119 or when Medicaid services are managed or reimbursed by a healthcare  
 3 insurer; or

4                   ~~(C) "Healthcare insurer" does not include an (iii)~~  
 5 An entity that provides only dental benefits or eye and vision care benefits;  
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7           SECTION 2. Arkansas Code § 23-99-1103, concerning the definitions  
 8 under the Prior Authorization Transparency Act, is amended to add an  
 9 additional subdivision to read as follows:

10                   (21) "Prescription for medication-assisted treatment" means any  
 11 prescription for medication used as treatment for opioid addiction.  
 12

13           SECTION 3. Arkansas Code Title 23, Chapter 99, Subchapter 11, is  
 14 amended to add an additional section to read as follows:

15                   23-99-1119. Medication-assisted treatment for opioid addiction.

16                   (a) A healthcare insurer, including Medicaid, shall not:

17                           (1) Require prior authorization in order for a patient to obtain  
 18 coverage of buprenorphine, methadone, naloxone, naltrexone, Suboxone, or the  
 19 various formulations of these drugs approved by the United States Food and  
 20 Drug Administration for the treatment of opioid addiction; or

21                           (2) Impose any other requirement other than a valid prescription  
 22 or compliance with the medication-assisted treatment guidelines issued by the  
 23 United States Substance Abuse and Mental Health Services Administration in  
 24 order for a patient to obtain coverage of buprenorphine, methadone, naloxone,  
 25 naltrexone, Suboxone, or the various formulations of these drugs approved by  
 26 the United States Food and Drug Administration for the treatment of opioid  
 27 addiction.

28                           (b) If a new formulation or medication for treatment of opioid  
 29 addiction becomes available after the effective date of this section and is  
 30 either more expensive or has not been shown to be more effective than the  
 31 formulations and medications in subsection (a) of this section, then the  
 32 healthcare insurer may require prior authorization of the new formulation or  
 33 medication.

34                           (c) A charge for coverage of a prescription for medication-assisted  
 35 treatment for opioid addiction, if applicable, shall be on the lowest-cost  
 36 benefit tier of a prescription drug formulary.

1           (d) For purposes of any limit a healthcare insurer imposes on the  
 2 number of prescriptions for a patient, a prescription for medication-assisted  
 3 treatment shall not be counted.

4           (e) This section does not affect the responsibility of a healthcare  
 5 provider to comply with the standard of care for medication-assisted  
 6 treatment, including without limitation the use of therapy in combination  
 7 with medication.

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 9           SECTION 4. EMERGENCY CLAUSE. It is found and determined by the  
 10 General Assembly of the State of Arkansas that medication-assisted treatment  
 11 is effective at treating opioid addiction and results in substantial cost  
 12 savings; that some healthcare insurers, including Medicaid, are placing  
 13 numerous prior authorization requirements on healthcare providers and their  
 14 patients who are in need of medication-assisted treatment; that these  
 15 requirements are counterproductive; and that this act is immediately  
 16 necessary because, as a result of these requirements, patients resort to  
 17 continued illegal drug use to stop withdrawals and physicians may be deterred  
 18 from treating patients due to the difficult prior authorization requirements.  
 19 Therefore, an emergency is declared to exist, and this act being immediately  
 20 necessary for the preservation of the public peace, health, and safety shall  
 21 become effective on:

22                     (1) The date of its approval by the Governor;

23                     (2) If the bill is neither approved nor vetoed by the Governor,  
 24 the expiration of the period of time during which the Governor may veto the  
 25 bill; or

26                     (3) If the bill is vetoed by the Governor and the veto is  
 27 overridden, the date the last house overrides the veto.