

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

As Engrossed: H3/2/17
A Bill

HOUSE BILL 1592

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
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16 **Subtitle**

17 TO PROVIDE PARITY IN HEALTH BENEFIT PLAN
18 COVERAGE BETWEEN ORALLY ADMINISTERED
19 ANTICANCER MEDICATION AND INTRAVENOUSLY
20 ADMINISTERED ANTICANCER MEDICATION.
21
22

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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25 *SECTION 1. Effective January 1, 2018, Arkansas Code Title 23, Chapter*
26 *79, Subchapter 1, is amended to add an additional section to read as follows:*

27 23-79-161. Payment for oral anticancer medications – Definitions.

28 (a) As used in this section:

29 (1) "Anticancer medication" means any drug or biologic that is
30 used to kill, slow, or prevent the growth of cancerous cells;

31 (2)(A) "Health benefit plan" means any group 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 the plans providing health benefits to state and
36 public school employees under § 21-5-401 et seq., but excluding individual



1 major medical plans and plans providing healthcare services under Arkansas
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
9 and medical service corporation, or health maintenance organization issuing
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
31 amount charged to the insured for injected or intravenously administered
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
36 injected or intravenously administered unless:

