

1 State of Arkansas As Engrossed: S4/15/21 H4/21/21

2 93rd General Assembly

# A Bill

3 Regular Session, 2021

SENATE BILL 639

4

5 By: Senator K. Hammer

6 By: Representative Cloud

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## For An Act To Be Entitled

9 AN ACT TO AUTHORIZE OFF-LABEL USE OF DRUG TREATMENTS  
10 TO TREAT PATIENTS DIAGNOSED WITH PEDIATRIC ACUTE-  
11 ONSET NEUROPSYCHIATRIC SYNDROME AND PEDIATRIC  
12 AUTOIMMUNE NEUROPSYCHIATRIC DISORDERS ASSOCIATED WITH  
13 STREPTOCOCCAL INFECTION; AND FOR OTHER PURPOSES.

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## Subtitle

17 TO AUTHORIZE OFF-LABEL USE OF DRUG  
18 TREATMENTS TO TREAT PATIENTS DIAGNOSED  
19 WITH PEDIATRIC ACUTE-ONSET  
20 NEUROPSYCHIATRIC SYNDROME AND PEDIATRIC  
21 AUTOIMMUNE NEUROPSYCHIATRIC DISORDERS  
22 ASSOCIATED WITH STREPTOCOCCAL INFECTION.

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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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27 SECTION 1. Arkansas Code Title 23, Chapter 79, Subchapter 19, is  
28 amended to add an additional section to read as follows:

29 23-79-1903. Off-label use of drug treatment to treat pediatric acute-  
30 onset neuropsychiatric syndrome and pediatric autoimmune neuropsychiatric  
31 disorders associated with streptococcal infection – Legislative findings –  
32 Definitions.

33 (a) The General Assembly finds that:

34 (1) Pediatric acute-onset neuropsychiatric syndrome, also known  
35 as "PANS", is a clinically defined disorder characterized by the sudden onset  
36 of obsessive-compulsive symptoms or eating restrictions, accompanied by two



1 (2) or more symptoms of acute behavioral deterioration or motor and sensory  
2 changes, or both;

3 (2) Pediatric autoimmune neuropsychiatric disorders associated  
4 with streptococcal infection, also known as "PANDAS", is a term used to  
5 describe a subset of symptoms affecting children and adolescents within the  
6 broader PANS classification;

7 (3) Other states may require coverage for off-label use of drug  
8 treatments to treat pediatric acute-onset neuropsychiatric syndrome and  
9 pediatric autoimmune neuropsychiatric disorders associated with streptococcal  
10 infection; and

11 (4) Arkansas does not require coverage for off-label use of drug  
12 treatments to treat patients who are diagnosed with pediatric acute-onset  
13 neuropsychiatric syndrome and pediatric autoimmune neuropsychiatric disorders  
14 associated with streptococcal infections.

15 (b) As used in this section:

16 (1)(A) "Health benefit plan" means an individual, blanket, or  
17 any group plan, policy, or contract for healthcare services issued, renewed,  
18 or extended in this state by a healthcare insurer, health maintenance  
19 organization, hospital medical service corporation, or self-insured  
20 governmental or church plan in this state.

21 (B) "Health benefit plan" includes:

22 (i) A plan offered by a risk-based provider  
23 organization as established under the Medicaid Provider-Led Organized Care  
24 Act, § 20-77-2701 et seq.;

25 (ii) Indemnity and managed care plans; and

26 (iii) Plans providing health benefits to state and  
27 public school employees under § 21-5-401 et seq.

28 (C) "Health benefit plan" does not include:

29 (i) A plan that provides only dental benefits or eye  
30 and vision care benefits;

31 (ii) A disability income plan;

32 (iii) A credit insurance plan;

33 (iv) Insurance coverage issued as a supplement to  
34 liability insurance;

35 (v) Medical payments under an automobile or  
36 homeowners' insurance plan;

1 (vi) A health benefit plan provided 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 (vii) A plan that provides only indemnity for  
5 hospital confinement;

6 (viii) An accident-only plan; or

7 (ix) A specified disease plan; and

8 (2)(A) "Healthcare insurer" means any insurance company,  
9 hospital and medical service corporation, or health maintenance organization  
10 that issues or delivers health benefit plans in this state and is subject to  
11 any of the following laws:

12 (i) The insurance laws of this state;

13 (ii) Section 23-75-101 et seq., pertaining to  
14 hospital and medical service corporations;

15 (iii) Section 23-76-101 et seq., pertaining to  
16 health maintenance organizations; or

17 (iv) A risk-based provider organization established  
18 under the Medicaid Provider-Led Organized Care Act, § 20-77-2701 et seq.

19 (B) "Healthcare insurer" does not include an entity that  
20 provides only dental benefits or eye and vision care benefits.

21 (c) A health benefit plan that is offered, issued, or renewed in this  
22 state, including a plan offered by a risk-based provider organization  
23 established under the Medicaid Provider-Led Organized Care Act, § 20-77-2701  
24 et seq., shall provide coverage for off-label use of intravenous  
25 immunoglobulin, also known as "IVIG", to treat individuals diagnosed with  
26 pediatric acute-onset neuropsychiatric syndrome and pediatric autoimmune  
27 neuropsychiatric disorders associated with streptococcal infection, or both,  
28 on or after January 1, 2022, under a patient-specific treatment plan  
29 established by the Childhood Post-infectious Autoimmune Encephalopathy Clinic  
30 established by the University of Arkansas for Medical Sciences in  
31 collaboration with Arkansas Children's Hospital.

32 (d) The coverage for off-label use of drug treatment to treat  
33 pediatric acute-onset neuropsychiatric syndrome and pediatric autoimmune  
34 neuropsychiatric disorders associated with streptococcal infection under this  
35 section:

36 (1) May be subject to policy deductions or copayment

1 requirements and any standard prior authorization review of a healthcare  
2 insurer or a health benefit plan; and

3 (2) Does not diminish or limit benefits otherwise allowable  
4 under a health benefit plan.

5 (e) The Insurance Commissioner shall develop and promulgate rules for  
6 the implementation and administration of this section.

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8 /s/K. Hammer

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11 **APPROVED: 4/29/21**  
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