

1 **State of Arkansas**
2 **80th General Assembly**
3 **Regular Session, 1995**

A Bill

ACT 1231 OF 1995
SENATE BILL 816

4 **By: Senators Snyder, Bookout, and Walters**

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For An Act To Be Entitled

8 "AN ACT TO REQUIRE HEALTH INSURANCE COVERAGE OF DRUGS
9 RECOGNIZED FOR TREATMENT OF PARTICULAR INDICATIONS BY
10 STANDARD REFERENCE COMPENDIA OR MEDICAL LITERATURE; AND
11 FOR OTHER PURPOSES."

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Subtitle

14 "TO REQUIRE HEALTH INSURANCE COVERAGE OF
15 DRUGS RECOGNIZED FOR TREATMENT OF
16 PARTICULAR INDICATIONS BY STANDARD
17 REFERENCE COMPENDIA OR MEDICAL
18 LITERATURE."

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

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22 SECTION 1. As used in this act:

23 (1) "Commissioner" means the Commissioner of the State Insurance
24 Department;

25 (2) "Insurance policy" means any individual, group or blanket policy,
26 contract or evidence of coverage written, issued, amended, delivered or
27 renewed in this state, or which provides such insurance for residents of this
28 state by an insurance company, hospital medical corporation or health
29 maintenance organization.

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31 SECTION 2. (a) No insurance policy that provides coverage for
32 prescription drugs shall limit or exclude coverage for any drug approved by
33 the United States Food and Drug Administration for use in the treatment of
34 cancer on the basis that the drug has not been approved by the United States
35 Food and Drug Administration for the treatment of the specific type of cancer
36 for which the drug has been prescribed, provided the drug has been recognized

1 as safe and effective for treatment of that specific type of cancer in any of
2 the following standard reference compendia, unless the use is identified as
3 not indicated in one or more such compendia:

4 (1) The American Medical Association drug evaluations;

5 (2) The American Hospital Formulary Service drug information;

6 (3) The United States Pharmacopoeia dispensing information;

7 or the drug has been recognized as safe and effective for treatment of that
8 specific type of cancer in two articles from major peer-review professional
9 medical journals that have not had their recognition of the drug's safety and
10 effectiveness contradicted by clear and convincing evidence presented in
11 another article from a major peer-reviewed professional medical journal.

12 (b) Coverage of a drug required by subsection (a) of this section
13 includes medically necessary services associated with the administration of
14 the drug, provided such services are covered by the insurance policy;

15 (c) Subsection (a) of this section shall not be construed to do any of
16 the following:

17 (1) Require coverage for any drug if the United States Food and
18 Drug Administration has determined its use to be contraindicated for the
19 treatment of the specific type of cancer for which the drug has been
20 prescribed;

21 (2) Require coverage for experimental or investigational drugs
22 as defined by the insurance policy;

23 (3) Require coverage for experimental or investigational dosage
24 or application of a drug, as defined by the insurance policy;

25 (4) Alter any law with regard to provisions limiting the
26 coverage of drugs that have not been approved by the United States Food and
27 Drug Administration;

28 (5) Create, impair, alter, limit, modify, enlarge, abrogate, or
29 prohibit reimbursement for drugs used in the treatment of any other disease or
30 condition.

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32 SECTION 3. All provisions of this act of a general and permanent nature
33 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
34 Revision Commission shall incorporate the same in the Code.

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1 SECTION 4. If any provision of this act or the application thereof to
2 any person or circumstance is held invalid, such invalidity shall not affect
3 other provisions or applications of the act which can be given effect without
4 the invalid provision or application, and to this end the provisions of this
5 act are declared to be severable.

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7 SECTION 5. All laws and parts of laws in conflict with this act are
8 hereby repealed.

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/s/Snyder, et al.

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APPROVED: 4-12-95

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