

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 270 of the Regular Session

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009
4

As Engrossed: H2/6/09

A Bill

HOUSE BILL 1363

5 By: Representative M. Burris
6
7

For An Act To Be Entitled

9 AN ACT TO CLARIFY STANDARDS FOR INSURANCE
10 COVERAGE FOR CANCER AND OTHER MEDICATIONS; TO
11 PROVIDE THE SECRETARY OF THE UNITED STATES
12 DEPARTMENT OF HEALTH AND HUMAN SERVICES OR THE
13 INSURANCE COMMISSIONER WITH DISCRETION IN THE
14 CHOICE OF STANDARDS; AND FOR OTHER PURPOSES.
15

Subtitle

16 AN ACT TO CLARIFY STANDARDS FOR
17 INSURANCE COVERAGE FOR CANCER AND OTHER
18 MEDICATIONS AND TO PROVIDE DISCRETION IN
19 THE CHOICE OF STANDARDS.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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25 SECTION 1. Arkansas Code § 23-79-147(b), concerning standards for
26 insurance coverage for prescription medication, is amended to read as
27 follows:

28 (b) ~~No~~ An insurance policy that provides coverage for prescription
29 drugs shall not limit or exclude coverage for any drug approved by the United
30 States Food and Drug Administration for use in the treatment of cancer on the
31 basis that the drug has not been approved by the United States Food and Drug
32 Administration for the treatment of the specific type of cancer for which the
33 drug has been prescribed, ~~provided if:~~ provided if:

34 (1) The drug has been recognized as safe and effective for
35 treatment of that specific type of cancer in any of the following standard



1 reference compendia, unless the use is identified as not indicated in one (1)
2 or more ~~such~~ of these standard reference compendia:

3 ~~(A)(i)~~ The American Hospital Formulary Service ~~drug~~
4 ~~information~~ Drug Information;

5 ~~(B) The United States Pharmacopoeia dispensing information~~
6 (ii) The National Comprehensive Cancer Network Drugs
7 and Biologics Compendium;

8 (iii) The Elsevier Gold Standard's Clinical
9 Pharmacology; or

10 ~~(2)(B)~~ The drug has been recognized as safe and effective
11 for treatment of that specific type of cancer in two (2) articles from
12 medical literature that have not had their recognition of the drug's safety
13 and effectiveness contradicted by clear and convincing evidence presented in
14 another article from medical literature; or

15 (2) Other authoritative compendia as identified by the Secretary
16 of the United States Department of Health and Human Services or the
17 commissioner may be used to provide coverage by an insurer at the insurer's
18 discretion.

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20 /s/ M. Burris

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22 **APPROVED: 2/26/2009**