

1 State of Arkansas As Engrossed: H3/25/19 S4/3/19

2 92nd General Assembly

A Bill

3 Regular Session, 2019

HOUSE BILL 1656

4

5 By: Representative D. Ferguson

6 By: Senator Bledsoe

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For An Act To Be Entitled

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

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Subtitle

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17 TO AMEND THE PRIOR AUTHORIZATION
18 TRANSPARENCY ACT; TO PROHIBIT PRIOR
19 AUTHORIZATION FOR MEDICATION-ASSISTED
20 TREATMENT; AND TO DECLARE AN EMERGENCY.

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

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*SECTION 1. Arkansas Code § 23-99-1103(8), concerning the definition of
25 "healthcare insurer" under the Prior Authorization Transparency Act, is
26 amended to read as follows:*

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

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

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(B) "Healthcare insurer" does not include:

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(i) workers' compensation plans or A workers'



1 compensation plan; or

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

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

11 (21) "Prescription for medication-assisted treatment" means any
12 prescription for medication used as treatment for opioid addiction approved
13 by the United States Food and Drug Administration.
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15 SECTION 3. Arkansas Code Title 23, Chapter 99, Subchapter 11, is
16 amended to add an additional section to read as follows:

17 23-99-1119. Medication-assisted treatment for opioid addiction.

18 (a) Except in the case of injectables, a healthcare insurer, including
19 Medicaid, shall not:

20 (1) Require prior authorization in order for a patient to obtain
21 coverage of buprenorphine, naloxone, naltrexone, methadone, and their various
22 formulations and combinations approved by the United States Food and Drug
23 Administration for the treatment of opioid addiction; or

24 (2) Impose any other requirement other than a valid prescription
25 and compliance with the medication-assisted treatment guidelines issued by
26 the Substance Abuse and Mental Health Services Administration under the
27 United States Department of Health and Human Services in order for a patient
28 to obtain coverage for buprenorphine, naloxone, naltrexone, methadone, and
29 their various formulations and combinations approved by the United States
30 Food and Drug Administration for the treatment of opioid addiction.

31 (b) Subdivision (a)(1) of this section shall only apply to the
32 Arkansas Medicaid Program as it pertains to prescription drugs for treatment
33 of opioid addiction designated as preferred on the evidence-based preferred
34 drug list provided there is at least one (1) of each of the drugs listed in
35 subdivision (a)(1) of this section with the preferred designation on the
36 preferred drug list or available without prior authorization.

1 (c) If a new formulation or medication approved by the United States
2 Food and Drug Administration for use as a prescription for medication-
3 assisted treatment becomes available after the effective date of this section
4 and is either more expensive or has not been shown to be more effective than
5 the formulations and medications in subsection (a) of this section, then the
6 healthcare insurer may require prior authorization of the new formulation or
7 medication.

8 (d) A healthcare insurer utilizing a tiered drug formulary shall place
9 on the lowest-cost benefit tier at least one (1) product for each of the
10 following medications that is approved by the United States Food and Drug
11 Administration:

12 (1) Buprenorphine;

13 (2) Naloxone;

14 (3) Naltrexone;

15 (4) Methadone; and

16 (5) A product containing both buprenorphine and naloxone.

17 (e) For purposes of any limit a healthcare insurer imposes on the
18 number of prescriptions for a patient, a prescription for medication-assisted
19 treatment shall not be counted.

20 (f) This section does not affect the responsibility of a healthcare
21 provider to comply with the standard of care for medication-assisted
22 treatment, including without limitation the use of therapy in combination
23 with medication.

24 (g) The Arkansas Medicaid Program shall have until January 1, 2020, to
25 comply with this section.

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27 SECTION 4. EMERGENCY CLAUSE. It is found and determined by the
28 General Assembly of the State of Arkansas that medication-assisted treatment
29 is effective at treating opioid addiction and results in substantial cost
30 savings; that some healthcare insurers, including Medicaid, are placing
31 numerous prior authorization requirements on healthcare providers and their
32 patients who are in need of medication-assisted treatment; that these
33 requirements are counterproductive; and that this act is immediately
34 necessary because, as a result of these requirements, patients resort to
35 continued illegal drug use to stop withdrawals and physicians may be deterred
36 from treating patients due to the difficult prior authorization requirements.

1 Therefore, an emergency is declared to exist, and this act being immediately
2 necessary for the preservation of the public peace, health, and safety shall
3 become effective on:

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

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

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

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/s/D. Ferguson

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APPROVED: 4/12/19

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