

1 State of Arkansas  
2 93rd General Assembly  
3 Regular Session, 2021  
4

# A Bill

SENATE BILL 446

5 By: Senator Bledsoe  
6 By: Representative Vaught  
7

## For An Act To Be Entitled

9 AN ACT TO CLARIFY THE APPLICABILITY OF STEP THERAPY  
10 PROTOCOLS; TO AMEND THE DEFINITION OF "HEALTH BENEFIT  
11 PLAN" TO INCLUDE INDIVIDUAL QUALIFIED HEALTH  
12 INSURANCE PLANS; AND FOR OTHER PURPOSES.  
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## Subtitle

15 TO CLARIFY THE APPLICABILITY OF STEP  
16 THERAPY PROTOCOLS; AND TO AMEND THE  
17 DEFINITION OF "HEALTH BENEFIT PLAN" TO  
18 INCLUDE INDIVIDUAL QUALIFIED HEALTH  
19 INSURANCE PLANS.  
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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 § 23-79-2102(4), as enacted by Acts 2021, No.  
26 97, and concerning the definition of "health benefit plan" used in the  
27 regulation of step therapy protocols, is amended to read as follows:

28 (4)(A) "Health benefit plan" means an individual, blanket, or  
29 any group plan, policy, or contract for healthcare services issued, renewed,  
30 or extended in this state by a healthcare insurer, health maintenance  
31 organization, hospital medical service corporation, or self-insured  
32 governmental or church plan in this state.

33 (B) "Health benefit plan" includes:

34 (i) Indemnity and managed care plans; ~~and~~  
35 (ii) Plans providing health benefits to state and  
36 public school employees under § 21-5-401 et seq.; and



1                                    (iii) Individual qualified health insurance plans  
2 under § 23-61-1001 et seq.

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

4                                    (i) A disability income plan;

5                                    (ii) A credit insurance plan;

6                                    (iii) Insurance coverage issued as a supplement to  
7 liability insurance;

8                                    (iv) Medical payments under an automobile or  
9 homeowners' insurance plan;

10                                   (v) A health benefit plan provided under Arkansas  
11 Constitution, Article 5, § 32, the Workers' Compensation Law, § 11-9-101 et  
12 seq., and the Public Employee Workers' Compensation Act, § 21-5-601 et seq.;

13                                   (vi) A plan that provides only indemnity for  
14 hospital confinement;

15                                   (vii) An accident-only plan;

16                                   (viii) A specified disease plan;

17                                   (ix) A plan that provides only dental benefits or  
18 eye and vision care benefits; or

19                                   (x) A program or plan authorized ~~and funded~~ under 42  
20 U.S.C. § 1396a et seq., as it existed on January 1, 2021, as approved by the  
21 United States Secretary of Health and Human Services, excluding individual  
22 qualified health insurance plans under § 23-61-1001 et seq.

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25                                    **APPROVED: 4/12/21**  
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