

1 State of Arkansas *As Engrossed: S2/4/21 H3/16/21*

2 93rd General Assembly

# A Bill

3 Regular Session, 2021

SENATE BILL 143

4

5 By: Senators Irvin, Bledsoe

6 By: Representatives M. Gray, Vaught

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## For An Act To Be Entitled

9 AN ACT TO ENSURE THAT BENEFICIARIES OF THE ARKANSAS  
10 MEDICAID PROGRAM HAVE ACCESS TO NEW PRODUCTS AND  
11 LABEL EXPANSIONS APPROVED BY THE UNITED STATES FOOD  
12 AND DRUG ADMINISTRATION; AND FOR OTHER PURPOSES.

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## Subtitle

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*TO ENSURE THAT BENEFICIARIES OF THE  
17 ARKANSAS MEDICAID PROGRAM HAVE ACCESS TO  
18 NEW PRODUCTS AND LABEL EXPANSIONS  
19 APPROVED BY THE UNITED STATES FOOD AND  
20 DRUG ADMINISTRATION.*

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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 Title 20, Chapter 77, Subchapter 1, is  
26 amended to add an additional section to read as follows:

27 20-77-140. Products and label expansions approved by the United States  
28 Food and Drug Administration.

29 (a) The General Assembly finds that:

30 (1) The Arkansas Medicaid Program has historically delayed or  
31 denied access to new products and label expansions approved by the United  
32 States Food and Drug Administration during the time period after the products  
33 or label expansions have been approved by the United States Food and Drug  
34 Administration but before the Arkansas Medicaid Drug Utilization Review Board  
35 has conducted a formal clinical review;

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(2) This practice:



1                   (A) Unnecessarily delays patient access to innovative  
2 products which can be particularly harmful for citizens of Arkansas who are  
3 living with life-shortening or life-threatening conditions; and

4                   (B) May result in irreversible harm to the health of  
5 citizens of Arkansas;

6                   (3) Other state Medicaid programs provide immediate access to  
7 new products and label expansions approved by the United States Food and Drug  
8 Administration prior to a formal clinical review; and

9                   (4) It is in the best interest of the citizens of this state to  
10 provide immediate access to new products and label expansions approved by the  
11 United States Food and Drug Administration prior to a formal clinical review.

12                   (b) Consistent with federal laws and regulations, the Arkansas  
13 Medicaid Program shall:

14                   (1) Provide immediate access to and reimbursement for new  
15 products and label expansions approved by the United States Food and Drug  
16 Administration, or outpatient drugs with a federal rebate agreement in place,  
17 if the product is prescribed according to approved indications or medically  
18 accepted indications; and

19                   (2) Not deny or delay coverage or reimbursement for new products  
20 and label expansions for an existing covered product approved by the United  
21 States Food and Drug Administration for an existing covered product,  
22 including denying or delaying access to a product solely because the Arkansas  
23 Medicaid Drug Utilization Review Board or any other advisory body has not  
24 conducted a formal clinical review of the product or label expansion.

25                   (c)(1) The Department of Human Services shall appoint two (2)  
26 individuals to the Arkansas Medicaid Drug Utilization Review Board.

27                   (2) The individuals appointed under subdivision (c)(1) of this  
28 section shall be:

29                   (A) Either physicians or advanced practice registered  
30 nurses;

31                   (B) Licensed and practicing in this state; and

32                   (C) Currently treating rare diseases or conditions.

33                   (3) The department shall amend any rules or bylaws of the  
34 Arkansas Medicaid Drug Utilization Review Board to implement this section.

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36                   /s/Irvin